

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
 YAVAPAI COUNTY, ARIZONA
 FOR THE COUNTY OF YAVAPAI

2011 DEC 29 AM 8:26

SANDRA K MARKHAM, CLERK

By *Stephanie Kling*

STATE OF ARIZONA,)
)
 Plaintiff,)
)
 vs.)
)
 JAMES ARTHUR RAY,)
)
 Defendant.)
 _____)

Case No. V1300CR201080049

REPORTER'S TRANSCRIPT OF PROCEEDINGS
 BEFORE THE HONORABLE WARREN R. DARROW
 TRIAL DAY THIRTY-SIX
 APRIL 26, 2011
 Camp Verde, Arizona

ORIGINAL

REPORTED BY
 MINA G. HUNT
 AZ CR NO. 50619
 CA CSR NO. 8335

1 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
2 FOR THE COUNTY OF YAVAPAI

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4 STATE OF ARIZONA,)
5 Plaintiff,)
6 vs) Case No V1300CR201080049
7 JAMES ARTHUR RAY,)
8 Defendant)
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1 Proceedings had before the Honorable
2 WARREN R. DARROW, Judge, taken on Tuesday,
3 April 26, 2011, at Yavapai County Superior Court,
4 Division Pro Tem B, 2840 North Commonwealth Drive,
5 Camp Verde, Arizona, before Mina G. Hunt, Certified
6 Reporter within and for the State of Arizona.
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PROCEEDINGS

THE COURT: The record will show the presence of the defendant, Mr. Ray; Ms. Do, and Mr. Kelly. I guess we have -- Mr. Li is now entering the courtroom. Ms. Polk and Mr. Hughes are here for the state. The jury is not present.

I read the defense motion to exclude testimony of Richard Haddow and renewed motion for sanctions pursuant to Rule 15.7 and part of the transcript of the first interview. I've read that.

Ms. Polk.

MS. POLK: Thank you, Your Honor. Good morning. The state had learned last -- late last week that the defense does not intend to call Rick Haddow, nor apparently do they intend to call any other environmental scientist.

The state, then, noticed our intent to call Mr. Haddow, and we'd like to call him tomorrow to testify. And late yesterday -- late yesterday the state received the copy of the motion to exclude.

I'd just like to review briefly the events that have brought us to this issue. And a couple of weeks ago, the defense had filed a motion for a mistrial based on the email from Mr. Haddow

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that they characterized as exculpatory.

We lost five trial days due to that motion and the subsequent request by the defense that they be allowed time to investigate the circumstances surrounding that email.

Two times now the defense has referenced the email to the jury. The first was through the cross-examination of Tom Kelly of Debbie Mercer wherein he told the jury -- asked Debbie, did you know that just last week the defense received a report criticizing the construction of the sweat lodge?

And then last week through the cross-examination of Michael Hamilton, Ms. Do questioned Mr. Hamilton on whether or not he knew that people were criticizing the construction and design of the sweat lodge.

The defense, then, had filed a motion to exclude further testimony of prior sweat lodge ceremonies -- ceremonies at Angel Valley, both those conducted by Mr. Ray and those conducted by other facilitators, based on that email from Rick Haddow and again characterized the email as exculpatory and argued to the Court that the state should no longer be allowed to provide testimony or

information to the jury about other sweat lodge ceremonies specifically because of this Haddow email.

The defense has also asked for a jury instruction arguing to the jury -- or stating to the jury that the state hid information from the defense and all of that, yet apparently does not want the jury to hear about the author -- hear from the author of this email.

There has been no late disclosure of Rick Haddow, Your Honor. He has been disclosed and has been known to the defense from last year forward. The only issue is the state's decision not to call Mr. Haddow.

But now we're in a position where the defense has made relevant what Mr. Haddow has to say and has filed multiple motions with the Court, has twice argued information from what is in Haddow's email. And it's all hearsay.

The defense wants to take advantage of the idea that there is information out there that would be exculpatory but not bring in the information itself. And because specifically the defense argued successfully to the Court that the state can no longer talk about prior sweat lodge

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events because of the Haddow email, that's why the state would like to call Mr. Haddow.

There have been multiple motions. There have been multiple references now to the jury, all of which is hearsay, and it's all based on an email from Mr. Haddow.

What the state wants to do is bring in the author of the email, bring in the environmental scientist, so we can get rid of the whole hearsay piece and the jury can hear firsthand and the Court can hear firsthand what this information is that Mr. Haddow has. And we would like to do that, Your Honor, tomorrow. We'd like to bring in Mr. Haddow tomorrow and have him testify.

THE COURT: Does the defense --

MR. KELLY: Judge, I'm behind the monitor. But --

THE COURT: Okay.

MR. KELLY: -- we've set forth our -- our reasons objecting to Mr. Haddow's testimony in the motion which was filed yesterday. I didn't really anticipate arguing that this morning since there has not been a written response by the state.

But clearly, as set forth in the motion, it would be almost an unmitigated disaster in this

1 case to allow Mr. Haddow to testify for the reasons
2 set forth in the motion.

3 First of all, I can't imagine under any
4 construct that the Brady violation would somehow
5 open the door now to allow the state to present
6 testimony of this witness. The five-day delay was
7 because of that Brady violation, not some --

8 May I step over here, Judge?

9 THE COURT: Of course.

10 MR. KELLY: The loss of the five days of trial
11 days was because of the Brady violation, not the
12 disclosure.

13 Finally, Judge, and most importantly, I
14 would submit, as indicated in the motion and the
15 transcript -- transcript which is attached, we
16 would have to conduct a Frye hearing to determine
17 the scope of the testimony allowed by Mr. Haddow.
18 So tomorrow is not possible or anytime throughout
19 the trial.

20 THE COURT: Anything else, Ms. Polk?

21 MS. POLK: Your Honor, just, again, it appears
22 that the defense wants it both ways. They -- they
23 want to call what Mr. Haddow has to say Brady and
24 exculpatory, yet they don't want the Court or the
25 jury to hear about it.

1 For the state the issue is this: Again,
2 it's the issue of causation. And every new
3 variable that is introduced makes Mr. Ray's conduct
4 even more important to the issue of causation.
5 There is more information that the jury should hear
6 about prior sweat lodge ceremonies conducted by
7 Mr. Ray at Angel Valley and -- as well as
8 ceremonies conducted by other facilitators.

9 Specifically there are events that
10 occurred in 2005, and there are additional
11 witnesses who can add more information to what
12 occurred in 2007 and 2008. The defense had argued
13 to this Court successfully that the state should
14 not be allowed to conduct further inquiry or
15 testimony into the issue of the prior sweat lodge
16 ceremonies conducted by Mr. Ray because of the
17 Haddow report. And yet they don't want the jury or
18 the Court to hear from that very witness.

19 And so that's the state's intention is to
20 present the testimony from Mr. Haddow. And the
21 state -- we renew our request to this Court that we
22 be allowed to bring in more information on the very
23 issue of causation. Because the more variables
24 that there are, the more important it becomes that
25 the constant -- the one constant is Mr. Ray's

1 conduct in conducting his sweat lodge ceremonies.

2 THE COURT: Ms. Polk, there was a request to
3 interview Mr. Haddow on December 7 of 2010. And
4 the reply was you were not going to call him. And
5 that was despite the information that had been
6 received.

7 Opening up these various technical
8 matters at this time, two months into the trial,
9 it's not appropriate. You know, there -- there has
10 been no compliance at all with 15.6.

11 With regard to your concern about
12 interjecting hearsay, I dealt with those
13 objections. We had bench conferences. And that's
14 inappropriate to, basically, interject a statement
15 and say, this is what happens, and see if somebody
16 agrees with it. And I've sustained objections to
17 that -- to that effect.

18 At the same time, I've allowed questions
19 that go to the structure of the sweat lodge and
20 what people knew about it, the people who
21 constructed it and were part of it. So this is,
22 essentially, disclosure that was made almost a year
23 after its discovery. And to just open up these
24 issues in this fashion now, it just -- it's not in
25 accordance with the rules, so Mr. Haddow is

1 precluded as a state witness.

2 MS. POLK: And, Your Honor, the state renews
3 its request to be able to continue on the issue of
4 causation, to bring in information for the jury
5 about Mr. Ray's prior sweat lodge ceremonies.

6 What the Court had ruled last week was
7 because the Haddow information -- I think what
8 the -- the Court observed at the time is that it
9 introduced some more variables. And it's for that
10 reason the state intended to call Mr. Haddow, to
11 let the Court see what those variables are and to
12 let the Court see that those variables are factors
13 that go to Mr. Ray's conduct with respect to the
14 issue of causation.

15 THE COURT: If the report had been disclosed
16 last April 2010, then that might have been the way
17 the trial proceeded. But to interject that now,
18 it's coming in as late disclosure. I denied the
19 motion for a mistrial, gave the defense a chance to
20 prepare for the late disclosed information. And to
21 just add this to the trial at this time just is not
22 appropriate.

23 MS. POLK: And, Your Honor --

24 THE COURT: It's not.

25 MS. POLK: And I understand your ruling. I'm

1 not trying to -- to argue that issue. The issue
2 that I'm asking the Court to reconsider is allowing
3 the state to present through the testimony of
4 Amayra Hamilton and additional witnesses the
5 information that goes to causation. And that
6 specifically would be the events in 2005 and some
7 additional information with respect to 2007
8 and 2008.

9 THE COURT: This Court made a distinction at
10 the time of the 404(b) ruling about the effects
11 that were apparent after prior sweat lodges and the
12 effects that were apparent after the 2009 sweat
13 lodge. There is, essentially, a distinction in
14 kind, not just agreed.

15 I've talked repeatedly about propensity
16 evidence and the danger of just having cumulative
17 evidence that might go to causation in a
18 circumstantial way become the focus of the trial
19 rather than the events of 2009.

20 I have not stricken the testimony that
21 has been admitted so far. And as I've indicated
22 before, that's hours of testimony. The defense
23 says days. That's not been stricken because it's
24 conceivable. I don't know what these other experts
25 might say, but it's conceivable that there is a

1 connection causally with that information. So
2 the -- the rulings that I've made stand.

3 Are there any other legal issues that I
4 need to address? I've tried to keep up with a list
5 as these things have been filed throughout the
6 trial. And I -- and I need to know if there are
7 other pending legal issues that need a ruling.

8 Ms. Polk.

9 MS. POLK: None, Your Honor.

10 And I just want to clarify. The Court
11 had made it clear in your last ruling that the
12 information about what happened on other events
13 would be relevant -- could be relevant to other
14 issues as well.

15 THE COURT: I've always said if there is a
16 basis outside the 404(b) justification. That was
17 stated at the start.

18 MS. POLK: Thank you.

19 MR. LI: But just -- just so we're clear,
20 though, my understanding of the Court's ruling of
21 Friday, I believe, is that we're not going into any
22 prior sweat lodge testimony relating to any of it
23 other than very limited background on the lines of
24 what Mr. Hughes said, that he would just say you
25 were -- you know -- you -- Mr. Ray rented the --

1 the facilities in 2003, 2004, 2005, 2006.

2 THE COURT: There is not going to be testimony
3 about the -- the Daniel P. matter, as I've referred
4 to that incident. And one of the reasons for that
5 is just the remoteness.

6 MR. LI: We had also understood '07 and '08
7 were not going to be at issue. And that's exactly
8 the reason why Ms. Do approached the Court at
9 sidebar and said, we're not -- we don't want to
10 open the door, and limited her questions to, I
11 believe, two or three questions. And this Court
12 required Ms. Polk to only ask one question about
13 the supervision.

14 So I just want to make sure that we're
15 all clear on what the rules of the road are just so
16 I can state what I think where -- where the ball is
17 right now.

18 THE COURT: It is so hard to determine before
19 you hear testimony what potential relevance might
20 be. The ruling is is that -- you've stated it
21 correctly, Mr. Li. You have.

22 MR. LI: Thank you.

23 THE COURT: Ms. Polk, I want to -- to make
24 sure we have a mutual -- or you have an agreed
25 understanding of that ruling.

1 MS. POLK: Your Honor, I believe we do. There
2 will be no testimony about the 2005 incident.
3 The -- when -- when Detective Diskin testifies, as
4 the Court knows, the defense has -- one of the
5 themes of the defense is that very early on
6 Detective Diskin focused on Mr. Ray to the
7 exclusion of looking at other possible issues.

8 And Detective Diskin will testify about
9 information he was receiving, including
10 information -- he interviewed close to a hundred
11 witnesses, including witnesses from prior sweat
12 lodges, and that that information helped him form
13 on -- on the very issue that I have been addressing
14 this morning, which is that when it was Mr. Ray who
15 was running the event, there were problems. And so
16 that is part of the reason why Detective Diskin,
17 then, focuses on the issue of heat and that
18 comparison.

19 The information would come in briefly,
20 then, through Detective Diskin's testimony how his
21 investigation included looking at prior sweat
22 lodges, looking at ceremonies held by other people,
23 and then that's why the direction of the
24 investigation took its course.

25 THE COURT: I want to get the trial started on

1 time.

2 But, Mr. Kelly --

3 MR. KELLY: Judge --

4 THE COURT: -- this is about a later witness.

5 So please --

6 MR. KELLY: And I -- and I was going to say

7 I'll be handling the cross-examination of Mr. -- or

8 Detective Diskin. So when appropriate, Judge, I

9 would like to discuss that.

10 THE COURT: Okay. I'm going to give you my

11 initial thoughts. I'd like people to know, if

12 the -- if the investigation is being challenged,

13 certainly a witness should be able to explain why

14 he or she went a particular direction. The

15 question once again is getting into what I would

16 consider 403 prejudicial characterizations or

17 characterizations that are not founded. I just

18 want to say that much at this time. We can address

19 that when the witness actually is about to testify.

20 We'll start in a few minutes. Thank you.

21 (Recess.)

22 THE COURT: The record will show the presence

23 of the defendant, Mr. Ray; the attorneys, and the

24 jury. Mr. Hamilton has returned to the witness

25 stand having previously been sworn.

1 Ms. Polk, you may continue with redirect.

2 MS. POLK: Thank you, Your Honor.

3 REDIRECT EXAMINATION (Continued)

4 BY MS. POLK:

5 Q. Good morning, Mr. Hamilton.

6 A. **Good morning.**

7 Q. Do you recall a question from Ms. Do
8 about one of your employees, a man named Rotillo
9 Vasquez?

10 A. **I do.**

11 Q. And remind the jury who Mr. Vasquez is.

12 A. **He is the man that came with us back in
13 19 -- actually, in 2002 before we even got to Angel
14 Valley and has been working with us in landscaping.
15 So he's been there since 2002.**

16 Q. Does Mr. Vasquez speak English?

17 A. **Very little. He knows enough to
18 communicate the work that needs to be done and
19 construction. But beyond that he doesn't
20 understand English or the deeper meanings of --
21 well, of the English language.**

22 Q. And on October 8th of 2009, when Mr. Ray
23 was conducting his sweat lodge ceremony, to your
24 knowledge, was Mr. Vasquez present at the site of
25 the sweat lodge?

1 A. **I believe, but I don't know. I was not
2 there, so I'm not 100 percent sure.**

3 Q. And if Mr. Vasquez had been there, do you
4 know whether he would have been able to understand
5 any conversations that were occurring inside that
6 sweat lodge?

7 A. **No. Everything we do with him has to be
8 very slow, very clear, or else he does not
9 understand the real meaning of different words.**

10 Q. You were asked by Ms. Do whether you ever
11 received immunity from the state. Do you recall
12 that question?

13 A. **I do.**

14 Q. Did you ever receive immunity from the
15 state in exchange for testifying here at this
16 trial?

17 A. **No.**

18 Q. Have you always cooperated with the
19 detectives in this case?

20 A. **Yes.**

21 Q. And the attorney that has been present
22 for the interviews -- who hired the attorney?

23 A. **Our insurance company.**

24 Q. You were asked questions from Ms. Do
25 about Angel Valley Ministries and the board of

1 directors.

2 A. **Right.**

3 Q. Do you recall those questions?

4 A. **I do.**

5 Q. Today how many people are on the board of
6 directors for Angel Valley Ministries?

7 A. **There are three on the board today.**

8 Q. And in 2009 -- on October 8, 2009, how
9 many people were on the board of directors?

10 A. **There were five.**

11 Q. Do you recall the names of the members
12 then?

13 A. **I do.**

14 Q. Will you tell the jury.

15 A. **I will. Michael Hamilton, Divera
16 Hamilton, Lynn Groff, Sue Ellen Trumble-Cheney, and
17 Thomas Allen.**

18 Q. Did some of those members resign after
19 October 8th of 2009?

20 A. **Two of them did.**

21 Q. You were asked about some of the services
22 that you provided Angel Valley in the way of
23 ministry and whether you provide for the
24 services -- whether you charge for the services.
25 Do you charge for some of your ministry?

1 **A. No. Not the ministry. The retreat**
 2 **center, yes.**
 3 **Q.** And explain to the jury what you do not
 4 charge for and what the difference is.
 5 **A. Sunday mornings we have gatherings, which**
 6 **you would normally call a "church service." There**
 7 **is no charge for that. People can come that day.**
 8 **They can walk around the land. They can be part of**
 9 **the -- the gathering or not. And on Sundays we**
 10 **also have lunch. They do not have to pay for that.**
 11 **That's part of the ministry.**
 12 **Wednesday evenings we have a meditation.**
 13 **Different times throughout the week we have**
 14 **meditations that there is no charge for. The**
 15 **charges come up when people are there in the**
 16 **retreat center capacity and are there for an**
 17 **intensive program or a massage or Reiki. That's**
 18 **all part of the Angel Valley Spiritual Retreat**
 19 **Center part.**
 20 **Q.** Thank you. You were asked a question by
 21 Ms. Do about your bankruptcy and whether you were
 22 trying to avoid paying creditors by filing. Do you
 23 recall that question?
 24 **A. I do.**
 25 **Q.** What type of bankruptcy did you file?

1 **A. Chapter 11.**
 2 **Q.** And who filed?
 3 **A. Michael and Amayra Hamilton.**
 4 **Q.** Not the businesses?
 5 **A. No.**
 6 **Q.** Not the business?
 7 **A. No.**
 8 **Q.** And in a Chapter 11 do you get -- are you
 9 able to avoid paying your creditors?
 10 **A. No.**
 11 **Q.** Explain to the jury.
 12 **A. Chapter 11 is, basically, a**
 13 **reorganization when you believe what you are doing**
 14 **is right, when you know that there is merit in**
 15 **continuing and you believe in what you're doing.**
 16 **And in our case, we had a choice of**
 17 **filing Chapter 7, which would have been a total**
 18 **annihilation of all -- elimination of all debt.**
 19 **And our attorney asked, which one do you want? And**
 20 **we said, we don't want that one. We want the one**
 21 **where we have an opportunity to reorganize,**
 22 **restructure, and keep going, and work to the best**
 23 **of our ability to pay all the creditors as much**
 24 **money as we're able to.**
 25 **So we had a choice of running away and**

1 **turning our back. We said, no. We want to work**
 2 **through it to the best of our ability. And that's**
 3 **why we chose Chapter 11, which gives us the time in**
 4 **order to do that.**
 5 **Q.** I'm going to put up on the overhead
 6 Exhibit 460, which is a copy of one of the Angel
 7 Valley waivers that was admitted into evidence.
 8 And you were asked questions by Ms. Do about your
 9 understanding of the waiver and your intentions.
 10 You testified last week about the
 11 acceptance of responsibility.
 12 **A. Yes.**
 13 **Q.** Did you put that language in this waiver?
 14 **A. I did.**
 15 **Q.** And are you able to see on 460 on the
 16 overhead what was put in here?
 17 Will you point to the jury, first of all,
 18 where it talks about acceptance of responsibility.
 19 **A. At the very top. It's waiver of --**
 20 **waiver release of liability and my acceptance of**
 21 **responsibility.**
 22 **Q.** And this section that appears next -- who
 23 put in this language into the waiver at Angel
 24 Valley?
 25 **A. I did.**

1 **Q.** Are you able to read that for the jury?
 2 **A. I am. Based upon our philosophy and**
 3 **mission statement, Angel Valley has created the**
 4 **following policy:**
 5 **We believe that we are all creators of**
 6 **our own reality. Therefore, we ask that you sign**
 7 **this waiver and declare that you take full and**
 8 **complete responsibility for all your creations**
 9 **while at Angel Valley.**
 10 **If you have any questions, please ask for**
 11 **our philosophy and mission statement.**
 12 **Q.** And you testified last week about the
 13 portion that was important to you and the portion
 14 that was important to the attorneys?
 15 **A. Yes.**
 16 **Q.** Which part was important to you?
 17 **A. The first part --**
 18 **Q.** And then --
 19 **A. -- of what I just read.**
 20 **Q.** And then what part was the part the
 21 attorneys wanted in?
 22 **A. Everything below that.**
 23 **Q.** You were asked by Ms. Do whether this
 24 waiver relieved you of responsibility. First of
 25 all, do you know what legal validity these waivers

1 have?

2 **A. No.**

3 **Q.** And has this waiver prevented
4 participants from the Spiritual Warrior 2009
5 seminar conducted by Mr. Ray -- has that prevented
6 them from filing lawsuits against you?

7 **A. No.**

8 **Q.** I want to just briefly go back to the
9 photographs from 2006 portraying the rat poison.
10 And these would be Exhibit 882 and 883. First of
11 all, Ms. Do had asked you when she cross-examined
12 you if you would provide digital copies of these
13 photos to her.

14 Do you recall that?

15 **A. I do.**

16 **Q.** And have you done that?

17 **A. I believe my wife has. Yes.**

18 **Q.** This section here -- and that appears to
19 say 26, and then it has a time of 3:23 a.m.

20 **A. Yes.**

21 **Q.** Was the --

22 **A. And actually it should be p.m.**

23 **Q.** Was the photograph taken at a.m.?

24 **A. No.**

25 **Q.** And do you -- can you explain that to the

1 jury why it would be stamped that way.

2 **A. We normally do our best to keep the time**
3 **straight. But in that particular digital -- Amayra**
4 **would know better exactly why it's that. But this**
5 **was actually taken in the afternoon, not in the**
6 **morning. And there was a -- basically, a 12-hour**
7 **difference in the time that was on the camera.**

8 **Q.** Would that be true for each of the
9 photographs in that time stamp?

10 **A. Yes.**

11 **Q.** Were these photographs taken in the year
12 2006?

13 **A. They were.**

14 THE COURT: Excuse me. Ms. Polk, this is a
15 technical matter. 883 has not been admitted at
16 this time.

17 MS. POLK: Your Honor, I would move for the
18 admission of 883.

19 MS. DO: No objection to this.

20 THE COURT: All right.

21 883 is admitted.

22 (Exhibit 883 admitted.)

23 MS. POLK: Thank you, Your Honor.

24 **Q.** And were these taken in 2006?

25 **A. They were.**

1 **Q.** Is that consistent with the digital
2 copies provided?

3 **A. Yes.**

4 **Q.** I want to just clarify the use of
5 chemical products at Angel Valley over the years.

6 **A. Okay.**

7 **Q.** And let's do it by approaching the easel.
8 I'm going to see if I can get you to help out here
9 at the easel. Put it this way a little bit. And I
10 just want to first ask you about rats. And where
11 was the problem with rats?

12 **A. 2006 they were in my car -- my truck,**
13 **actually.**

14 **Q.** And if you would just write, then, under
15 the product column what are the products used in
16 2006 to address the rat -- the rat problem.

17 And that says what?

18 **A. One Bite, d-CON pellets. And the other**
19 **one was Eaton. Just call it a "green biscuit."**
20 **I'm not sure of the exact name.**

21 **Q.** Did you also use moth balls in 2006?

22 **A. I did. Yes.**

23 **Q.** In 2007 what did you do for the rats?

24 **A. I got four cats.**

25 **Q.** And did you have -- continue to have an

1 issue with rats in areas where the cats could not
2 go in?

3 **A. Yes.**

4 **Q.** And do you recall what year?

5 **A. It would have been -- I know -- as -- as**
6 **best I can, 2008.**

7 **Q.** And that would be where?

8 **A. In the pump house, in the attic of the --**
9 **the dining facility.**

10 **Q.** Areas where the cats couldn't go?

11 **A. Yes.**

12 **Q.** What products did you use?

13 **A. One Bite.**

14 **Q.** And what years do you believe,
15 Mr. Hamilton, you used One Bite in the pump house?

16 **A. (No audible response.)**

17 **Q.** And then the other problem that you had
18 talked about are the ants. What year did you --
19 what year have you used any sort of product for
20 ants, natural or chemical?

21 **A. First was probably 2003, 2004.**

22 **Q.** Up to when?

23 **A. Up to the present time.**

24 **Q.** And what did you use?

25 **A. There was a -- I have it written down.**

1 **Is it orange oil?**
 2 **Q.** Orange oil. Okay.
 3 **A.** **I believe it was.**
 4 **Q.** And you had testified last week about the
 5 use of diatomaceous earth?
 6 **A.** **Yeah. That was another product. This**
 7 **all -- and there was one other ingredient -- I**
 8 **don't remember what it was -- that went into an**
 9 **actual spray that we sprayed on wherever the ants**
 10 **were. We also used the diatomaceous earth.**
 11 **Q.** And are all of those chemical free?
 12 **A.** **Yes, they are.**
 13 **Q.** And then there was testimony about 2010.
 14 And where was the -- where was there an issue
 15 in 2010 with ants? Cabin 6?
 16 **A.** **Yes.**
 17 **Q.** And what did you use?
 18 **A.** **AMDRO.**
 19 **Q.** AMDROL? Is that with an "L"?
 20 **A.** **AMDRO. No. No "L." AMDRO, A-M-D-R-O.**
 21 **Q.** A-M-D-R-O. Prior to 2010 did you ever
 22 use any chemicals to address ants at Angel Valley?
 23 **A.** **No.**
 24 **Q.** Could I just have you initial -- why
 25 don't you just write across the top. Initial this

1 for me.
 2 Thank you. You can go ahead and sit
 3 down.
 4 The photographs of the pump house showing
 5 the One Bite that has been shown to the jury taken
 6 in 2011 -- do you recall those photographs?
 7 **A.** **I do.**
 8 **Q.** You testified that those photographs were
 9 staged?
 10 **A.** **They were.**
 11 **Q.** Did you ever suggest to anybody that they
 12 were not staged?
 13 **A.** **No.**
 14 **Q.** And tell the jury. Were those
 15 photographs intended to depict the conditions of
 16 the pump house or just the use of poison?
 17 **A.** **It was only intended to show the use of**
 18 **where the poison would be under the table on a**
 19 **plate, not for the whole pump house. We would have**
 20 **had a -- I'm not sure how we would have staged the**
 21 **whole pump house.**
 22 **Q.** And just a couple of questions about the
 23 contract that Angel Valley Retreat Center had with
 24 James Ray International for him to conduct his
 25 seminar out at Angel Valley. How far in advance

1 did you negotiate contracts with James Ray
 2 International?
 3 **A.** **Generally, it would be up to a year, two**
 4 **years, in advance. The one that was in 2009 was**
 5 **actually negotiated in 2007 but then remodified**
 6 **in 2008.**
 7 **Q.** And did you know prior to the events of
 8 October 8th, 2009, whether James Ray International
 9 was coming back the next year?
 10 **A.** **Yes. We knew he would not be returning.**
 11 **Q.** There was some questions about the
 12 vegetarian meals offered to you -- or provided to
 13 the participants at Spiritual Warrior 2009. Do you
 14 know whether or not that's the same food that
 15 Mr. Ray ate?
 16 **A.** **In 2009 it was.**
 17 MS. DO: Objection, Your Honor.
 18 THE COURT: Sustained as to foundation.
 19 **Q.** BY MS. POLK: I wanted to ask you,
 20 Mr. Hamilton, about the ceremony that you had at
 21 Angel Valley on October 10th of 2009. And there's
 22 been some questions from Ms. Do about what happened
 23 to the materials. Had the scene been released by
 24 the Yavapai County Sheriff's Office prior to your
 25 having your ceremony?

1 **A.** **Yes.**
 2 **Q.** With respect to the coverings, the
 3 samples of the material that had been on the sweat
 4 lodge that you and I opened together and you showed
 5 the jury, in response to a question from Ms. Do,
 6 you agreed that you had not been the one to put
 7 together the sweat lodge or take it down over the
 8 years.
 9 Do you recall that?
 10 **A.** **I do.**
 11 **Q.** However, in conducting the ceremony on
 12 October 10th of 2009, did you not, in fact, handle
 13 the materials then?
 14 **A.** **I did.**
 15 **Q.** And I'm going to put up on the overhead
 16 Exhibit 562. Is that you in the photograph?
 17 **A.** **It is.**
 18 **Q.** And tell the jury what you did with the
 19 materials at that time that allowed you to handle
 20 them.
 21 **A.** **All of us gathered together, and we took**
 22 **the material off of the actual frame. And once it**
 23 **was on the ground like a tarp -- you see me there**
 24 **with something in my hand. It's a knife where**
 25 **we're actually cutting it into smaller pieces so I**

1 can load it up. It is too heavy to actually --
 2 well, too heavy. There was other things with it.
 3 So we took it apart. I cut it up, put it in the
 4 back of my van, took it down to the Verde Recycling
 5 Center.

6 Q. Do you recall whether you are the ones
 7 who took it off the frame, or did the detectives
 8 take it off the frame?

9 A. We did.

10 Q. You recall you took it off?

11 A. Yes.

12 Q. And in your handling of those materials,
 13 did you recognize the coverings?

14 A. I did.

15 Q. Did you recognize the coverings to be the
 16 same as prior years?

17 A. Yes.

18 Q. To your knowledge, Mr. Hamilton, were
 19 those same coverings used every year at Angel
 20 Valley for the sweat lodge ceremony?

21 MS. DO: Objection, Your Honor. Foundation.

22 THE COURT: Sustained.

23 Q. BY MS. POLK: Did you get sick in any
 24 way, Mr. Hamilton, after handling these coverings?

25 A. No.

1 Q. Do you recall the questions from Ms. Do
 2 about pressure-treated wood and specifically about
 3 something called "chromated copper arsenic" or
 4 "CCA"?

5 A. Yes.

6 Q. Are you away -- aware that CCA has been
 7 banned since January of 2004 for wood used in both
 8 residential and commercial construction?

9 A. I was not aware of that. No.

10 Q. When you acquired those cedar logs from
 11 Hilltop Log Homes, were you specifically looking
 12 for wood that was chemical free?

13 A. Yes.

14 Q. I want to zoom in on the pile that Ms. Do
 15 had you look at. And then I put up on the overhead
 16 Exhibit 562. And tell the jury what it is that
 17 they're looking at back here.

18 A. That is our lumber storage area that we
 19 had where any lumber that we were not using and was
 20 waiting to either be used or to be -- basically, to
 21 be used was put there. So that is the -- the --
 22 what you would call a "lumber stockpile."

23 Q. And what is the length of those pieces of
 24 lumber back there?

25 A. Ranging anywhere from -- this one right

1 here is between 12 and 16 feet underneath.

2 Q. Would any of that wood be of a size that
 3 you -- a person could use in a -- in a fire?

4 A. No.

5 Q. The wood that ultimately was heat -- used
 6 to heat rocks for the 2009 sweat lodge ceremony --
 7 at some point was it back here with this wood?

8 A. Yes.

9 Q. And how did it get -- at whose direction
 10 did it get from this pile to a different stockpile?

11 A. Mine.

12 Q. Now, I'm going to put up on the overhead
 13 Exhibit 493. Tell the jury what pile of wood this
 14 is.

15 A. Which pile? Those are the D logs that
 16 were used -- to be used in the actual fire of the
 17 heating of the rocks.

18 Q. And were those logs at one point in the
 19 pile of logs that we just looked at?

20 A. Yes.

21 Q. And tell the jury, then, who you gave
 22 instructions to -- explain to them how wood goes
 23 from the big pile with long pieces to the cut-up
 24 stack there.

25 A. If you can go back to the other picture,

1 I can start there.

2 Q. Okay. Do you want me to zoom in?

3 A. Yes. If you could, please. If you can
 4 see right here, there are timbers on the ground.

5 There was a pile of these logs on top of those
 6 timbers. And that's where we started to eat into
 7 the whole wood pile. And I said, take these logs,
 8 cut them up, and put them over by the sweat lodge.
 9 So they went from what I just circled over to the
 10 pile that you see on the other photo.

11 Q. And that's Exhibit 493.

12 A. Which also has the bottom runners on that
 13 we stored the material on. So we moved some of the
 14 long ones over, put it on the ground, and then put
 15 these on the top of it. So it went from the one
 16 pile directly over to the other pile.

17 Q. And is any of this wood pressure treated?

18 A. None.

19 Q. I want to ask you --

20 Your Honor, Counsel agrees to the
 21 admission of Exhibit 491.

22 THE COURT: 491 is admitted.
 23 (Exhibit 491 admitted.)

24 Q. BY MS. POLK: And I'm going to put that
 25 up on the overhead, Mr. Hamilton. First of all,

1 I'm going to put back up 493 because I want to ask
2 you whether or not we're looking at the same wood
3 pile but from a different direction between the
4 two.

5 **A. Okay.**

6 **Q. And are we?**

7 **A. Yes, we are.**

8 **Q. And in Exhibit 491 show the jury where
9 the sweat lodge is.**

10 **And then show the jury where the fire to
11 heat the rocks is.**

12 **And then the wood to heat the rocks comes
13 from where?**

14 **Now, I want to put up on the overhead
15 Exhibit 145 and ask you if that is the same -- this
16 pit that you just showed out to the -- pointed out
17 to the jury -- is that the same as this fire that
18 we see?**

19 **A. Yes.**

20 **Q. And do you recognize the logs that are
21 being burned in that fire?**

22 **A. I do.**

23 **Q. What do you recognize them to be?**

24 **A. The D log.**

25 **Q. Chemical free?**

1 **A. Chemical free.**

2 **Q. Not pressure treated?**

3 **A. No. Not pressure treated.**

4 **Q. I want to put up on the overhead Exhibit
5 492.**

6 **Your Honor, Counsel stipulates to the
7 admission of 492.**

8 **THE COURT: 492 is admitted.**

9 **(Exhibit 492 admitted.)**

10 **Q. BY MS. POLK: Do you recognize that to be
11 the same --**

12 **A. I do.**

13 **Q. -- the same pit where the rocks heated --
14 were heated after?**

15 **A. Yes.**

16 **Q. And let's zoom in on that fire pit. Let
17 me ask if you recognize the wood that is partially
18 unburned.**

19 **A. Yes, I do.**

20 **Q. And what is that wood?**

21 **A. The D log.**

22 **Q. Does pressure-treated wood look different
23 than these D logs?**

24 **A. It does.**

25 **Q. And how so?**

1 **A. The pressure-treated lumber we had was,
2 basically, two-by-six, two-by-eight, and
3 two-by-four. It was a very thin log -- I mean,
4 thin timber for two-by as opposed to these here,
5 which are six-by-eight.**

6 **Q. You told the jury in a response to a
7 question from Ms. Do that you cut up and sold the
8 lumber on your property. And I'm going to put back
9 up Exhibit 562. Is this the lumber that you cut up
10 and sold?**

11 **A. Yes, it is.**

12 **Q. And how long has it taken you to cut up
13 and sell that lumber?**

14 **A. We started selling it, I would say,
15 December of -- November, December of 2009. And by
16 February it was all gone. People were still
17 calling for firewood, and we said we had cedar
18 firewood for sale. And people kept coming to get
19 it and buy a cord or two cords at a time.**

20 **Q. Did -- did you ever hear from anybody
21 back that they had gotten sick after burning your
22 firewood?**

23 **A. No. I heard from people that wanted more
24 but none that were sick from it.**

25 **Q. Did you burn any of that yourself in any**

1 **of your houses --**

2 **A. We did.**

3 **Q. -- at Angel Valley?**

4 **A. We did.**

5 **Q. Where? Do you recall?**

6 **A. In the dining hall -- dining facility.**

7 **Q. And did anybody ever get sick after
8 burning that wood?**

9 **A. No.**

10 **Q. Ms. Do asked you about the construction
11 of the sweat lodge in 2007. Who did you hire in
12 2007 to consult and oversee the construction of the
13 sweat lodge?**

14 **A. I believe it was a man from Prescott, a
15 Native American.**

16 **Q. And do you recall his name?**

17 **A. No, I do not.**

18 **Q. Why did you have that one torn down and a
19 new sweat lodge frame constructed in 2008?**

20 **A. We were told that it was too high. It
21 had about another at least two to three feet in
22 height over the one that we -- that was built
23 in 2008. And the higher it is, the more difficult
24 it is to heat up and to -- you know -- contain the
25 heat.**

1 Q. Who told you it was too high?

2 MS. DO: Objection. Hearsay, Your Honor.

3 MS. POLK: Your Honor, it goes to why a new
4 sweat lodge was constructed.

5 THE COURT: The hearsay, though. And I'm
6 going to have to speak with counsel. Just a minute
7 here.

8 (Sidebar conference.)

9 THE COURT: I'm assuming the answer is going
10 to be Mr. Ray.

11 MS. POLK: Yes. I believe it's staff from
12 JRI.

13 THE COURT: That's a difference. Go ahead.

14 MS. POLK: The reason the state is offering it
15 is because there have been suggestions that the
16 design of the sweat lodge was faulty or somehow
17 defective. And it's relevant that it is at James
18 Ray International's request that this sweat lodge
19 is taken down and a smaller one with a lower
20 ceiling is constructed in 2008 for use in '08 and
21 '09.

22 THE COURT: Ms. Do.

23 MS. DO: This question was asked on direct. I
24 objected both on hearsay and foundation. There are
25 two issues. One, it is hearsay. It tends to also

1 go to propensity evidence we've spoken about. And,
2 secondly, this witness has already testified that
3 he didn't speak directly to Mr. Ray about this. It
4 would be coming from a third party.

5 THE COURT: I'm not concerned about the
6 propensity part. This is just general background.
7 I have no issue with that.

8 It's how -- I do have a question,
9 Ms. Polk related to the hearsay nature, somebody
10 from JRI versus Mr. Ray. And this just may not be
11 the witness to have that come in.

12 MS. POLK: Your Honor, I'm not offering it to
13 prove that it was someone from JRI. I'm not
14 offering it to prove that -- the truth of the
15 matter asserted, which is the ceiling was too high,
16 because that's not the issue.

17 The issue is that the defense has
18 suggested that it is a defective sweat lodge
19 design, that it is somebody other than Mr. Ray who
20 is somehow responsible for the deaths because of
21 that.

22 This is relevant to show why the 2007
23 sweat lodge was taken down and why a smaller one
24 with a lower ceiling was built for 2008.

25 THE COURT: If Mr. -- if Mr. Ray was the one

1 who had said it, I wouldn't have any problem. But
2 having it come in and implying that it was Mr. Ray.
3 So if it's, basically, someone else who said it was
4 too high, he was told that, you can lead him
5 through and make that point. He's doing it in
6 response to somebody. But to attribute it to
7 Mr. Ray is just hearsay.

8 MS. POLK: I'll lay a foundation.

9 THE COURT: Okay. A JRI employee isn't going
10 to do it either --

11 MS. DO: It's not a foundation issue or
12 foundation objection, Your Honor. It goes to the
13 admissibility of the type of evidence that Ms. Polk
14 is trying to seek in that question. And I believe
15 on direct examination, the witness testified that
16 it was someone from JRI. It was not something that
17 Mr. Ray said to him specifically. And so it would
18 be, essentially, attributed to him without --

19 MS. POLK: Your Honor, on cross-examination
20 Ms. Do confronted this witness and suggested to the
21 jury that this witness is somehow responsible for
22 the deaths because he is the one who oversaw the
23 design and construction of the sweat lodge.

24 It's relevant for this jury to know that
25 it was JRI who wanted a sweat lodge with a lower

1 ceiling. And that's why they tore down the 2007
2 and built the 2008 sweat lodge.

3 The issue goes to the construction and
4 design of the sweat lodge, at whose direction it
5 was being constructed in that revised fashion, and
6 not to prove the truth that it was -- that the
7 ceiling was too high. The statement is that --

8 THE COURT: I understand. I understand the
9 concept completely. And as Ms. Do is pointing out,
10 it's also who is chargeable with that, with the
11 statement. If it's not offered for the truth, in
12 fact, it's too high, too low, who knows. As far as
13 I know, there are no industry standards on building
14 a sweat lodge. So that part, the substantive -- I
15 can see how going to the truth -- but the other
16 thing is to who is it attributable to.

17 MS. POLK: I can lay the foundation. If it's
18 not this witness who had that conversation, then I
19 would move on. But I can lay the foundation who
20 had the conversation, who it was, and then what was
21 said.

22 MS. DO: Your Honor, this was already covered
23 on direct. We know that there is no foundation.
24 Mr. Ray did not speak to him about it. So just
25 asking the foundational questions suggests, again,

1 that it's a statement attributable to Mr. Ray.
 2 Even if the Court after hearing foundation fails,
 3 the same suggestion the jury now will hear. This
 4 has already been covered on direct.
 5 THE COURT: Sustained. Sustained.
 6 MS. DO: Thank you.
 7 (End of sidebar conference.)
 8 THE COURT: Ms. Polk.
 9 MS. POLK: Thank you, Your Honor.
 10 Q. Who was it, Mr. Hamilton, who you hired
 11 in 2008 to oversee the design and construction of
 12 the sweat lodge?
 13 A. David Singing Bear.
 14 Q. And do you recall the question by Ms. Do
 15 whether it was David Singing Bear who determined
 16 the diameter, the overall width, the width of the
 17 door, the height, the location of the pit for the
 18 heated rocks?
 19 A. I do.
 20 Q. Do you recall that question? Are you
 21 aware of any industry standards for the
 22 construction of a sweat lodge?
 23 A. No.
 24 Q. And are there any?
 25 A. Not to my knowledge.

1 Q. How many people was that sweat lodge
 2 constructed in 2008 built to accommodate?
 3 A. Seventy-five.
 4 Q. And at whose request?
 5 MS. DO: Same objection, Your Honor. Hearsay
 6 and foundation.
 7 THE COURT: Sustained.
 8 MS. POLK: Your Honor, pursuant to Rule 106,
 9 as I had noted during the cross, I would like to
 10 have Mr. Hamilton read from the paragraph of the
 11 complaint.
 12 THE COURT: Go ahead.
 13 Q. BY MS. POLK: Mr. Hamilton, I'm going to
 14 show you what's been marked as Exhibit 884. Do you
 15 recognize what this is?
 16 A. I do.
 17 Q. And what is it?
 18 A. It's our complaint against James Ray.
 19 Q. And do you recall when Ms. Do asked
 20 you -- read to you from paragraph 12 of the
 21 complaint during your cross-examination?
 22 A. I do. Yes.
 23 Q. I would just have you read to the jury
 24 the rest of that first sentence.
 25 A. Okay. In September of 2008, Angel

1 Valley's general manager, Gary Palisch, contracted
 2 with David Singing Bear, a full-blooded Native
 3 American, to design and oversee the construction of
 4 a sweat lodge to accommodate 75 people as per
 5 defendant's instruction.
 6 Q. And who is the defendant in this lawsuit?
 7 A. James Ray.
 8 MS. DO: Your Honor, I have no objection to
 9 the admission of 884 if counsel wishes.
 10 THE COURT: Did you want to agree to any
 11 further admission?
 12 MS. POLK: Your Honor, may I have time to look
 13 at that and address that?
 14 THE COURT: Yes, you may.
 15 Q. BY MS. POLK: Mr. Hamilton, what is the
 16 purpose of a sweat lodge -- what is the purpose of
 17 a -- the lodge itself, the sweat lodge container?
 18 MS. DO: Objection, Your Honor. Foundation.
 19 THE COURT: Sustained as to foundation.
 20 Q. BY MS. POLK: With respect to the design
 21 of the sweat lodge, its size, its diameter, the
 22 distance from the floor to the ceiling, those are
 23 all things that as the owner of Angel Valley you
 24 oversaw when you hired the -- the various
 25 consultants in 2007 and 2008?

1 A. Yes.
 2 Q. And what is the purpose of the design of
 3 a sweat lodge?
 4 MS. DO: Same objection, Your Honor.
 5 Foundation.
 6 THE COURT: If you can answer that from your
 7 knowledge, you may do so. If you can't, you need
 8 to let the attorney know.
 9 THE WITNESS: Yes, sir.
 10 From my knowledge, a sweat lodge is
 11 designed and is based upon creating a container
 12 that heat can be generated within it. The intent
 13 of the shape, from my knowledge and from my limited
 14 awareness, is it creates the feeling of a womb for
 15 rebirthing, for reprocessing, for going deep into
 16 the dark, and that -- so it could contain heat,
 17 which would allow people to experience what they
 18 needed to experience.
 19 Q. BY MS. POLK: And who is it who controls
 20 the heat inside a sweat lodge?
 21 A. It's called a -- you have a fire tender,
 22 which is outside. But the person inside is called
 23 a "pourer," p-o-u-r-e-r, a pourer, a person that
 24 pours the lodge. He's the one determining how much
 25 water -- or she -- determining how much water goes

1 **on the rocks. And the water in the rocks is what**
2 **creates the steam and creates the heat.**

3 **Q.** Thank you, Mr. Hamilton.

4 Thank you, Your Honor.

5 THE COURT: Thank you, Ms. Polk.

6 Members of the jury, do any of you have
7 any questions for Mr. Hamilton?

8 Okay.

9 Then, Mr. Hamilton, you will be
10 temporarily excused as a witness at this time.

11 However, you may be recalled. So the rule of
12 exclusion will continue to apply. And that really
13 applies to any of the witnesses, even the ones who
14 would be released completely and then come back
15 into the courtroom. You can't do that. But it
16 applies to all of the witnesses.

17 The provision is you cannot in any way
18 attempt to communicate with other witnesses about
19 this case or your testimony in any way, to really
20 avoid going to third parties or some other people
21 who might somehow convey this, your testimony or
22 other matters, about the case. So it's really best
23 that you not discuss the case with anybody until
24 it's completely over.

25 However, as I mentioned before, you can

1 talk to the lawyers about this as long as other
2 witnesses are not present.

3 Do you understand.

4 THE WITNESS: I do.

5 THE COURT: So you are excused for today. But
6 you may be recalled.

7 Thank you, sir.

8 THE WITNESS: Thank you.

9 MR. HUGHES: Your Honor, the state calls
10 Amayra Hamilton.

11 THE COURT: Okay.

12 Ms. Hamilton, if you'd please step to the
13 front of the courtroom and raise your right hand to
14 be sworn by the clerk.

15 DIVERA G. HAMILTON,
16 having been first duly sworn upon her oath to tell
17 the truth, the whole truth, and nothing but the
18 truth, testified as follows:

19 THE COURT: Please be seated here at the
20 witness stand. Would you please begin by stating
21 and spelling your full name.

22 THE WITNESS: Divera G. Hamilton --

23 THE COURT: Go ahead, Ms. Hamilton.

24 THE WITNESS: D-i-v-e-r-a, Hamilton,
25 H-a-m-i-l-t-o-n.

1 THE COURT: Thank you.

2 And, Mr. Hughes, when you're ready.

3 MR. HUGHES: Thank you.

4 DIRECT EXAMINATION

5 BY MR. HUGHES:

6 **Q.** Ma'am, do you also go by the name Amayra
7 Hamilton?

8 **A. I normally go by the name Amayra.**

9 **Q.** Okay. And can you tell us how it is or
10 why it is you go by Amayra if your legal name is --
11 is something else?

12 **A. Divera is my birth name. And about**
13 **13 years ago, I decided to choose my -- to change**
14 **my daily name to Amayra.**

15 **Q.** And, ma'am, were you born here in the
16 United States?

17 **A. I was born in Holland, The Netherlands,**
18 **in Europe.**

19 **Q.** And how long did you live in Europe?

20 **A. I lived in Europe from -- until 14 years**
21 **ago except for 8 years that I lived in the**
22 **Caribbean.**

23 **Q.** And have you had any formal education?

24 **A. I was a -- used to be a high -- high**
25 **school teacher. So I have my degree for high**

1 **school teaching.**

2 **Q.** And what subjects did you teach in high
3 school?

4 **A. Most of all English.**

5 **Q.** And how is it that you came to the
6 United States?

7 **A. In 1995 I met this gentleman called**
8 **Michael Hamilton. And two years later, I moved to**
9 **the United States.**

10 **Q.** And is Michael Hamilton the fellow who
11 just left the courtroom?

12 **A. I saw him in passing.**

13 **Q.** And when did you get married?

14 **A. In 1999. Came to the United States in**
15 **1997, got married in 1999.**

16 **Q.** And whereabouts in the United States did
17 you first reside when you came?

18 **A. Sedona.**

19 **Q.** At some point, did you come to live at a
20 place called "Angel Valley"?

21 **A. That was in 2002.**

22 **Q.** And can you tell us how it is you came to
23 Angel Valley.

24 **A. In -- when we came in 1997, we -- Michael**
25 **and I started a small retreat center on the other**

1 side of Sedona. And in 2002 we wanted to make --
2 take more advantage of the possibility of people
3 coming to our place, staying with us, which was not
4 completely possible in the place where we used to
5 be. And that's how we came to Angel Valley.

6 Q. And at some point did you acquire Angel
7 Valley?

8 A. Pardon me?

9 Q. Did you purchase Angel Valley?

10 A. Yes, we did.

11 Q. And what were your intentions for the
12 property when you purchased it?

13 A. The intention was to create an
14 environment for people who are looking for -- for
15 personal and spiritual growth and also provide
16 services to support that process for people.

17 Q. And can you tell us what was on the
18 property when you first purchased the property.

19 A. Well, it had been homesteaded in the
20 beginning of the century. And over time there had
21 been 11 buildings built. It was very laid back,
22 not very well maintained when we got there. So we
23 did a lot of remodeling using the original
24 buildings, taking down four, and building some new
25 cabins.

1 Q. And which buildings did you take down?

2 A. There were four buildings in the
3 floodplain area that we felt was not -- were not in
4 a good -- you know -- good condition to put a lot
5 of effort into remodeling because they had been
6 flooded before. And we did not want to run the
7 risk of another flooding.

8 Q. And can you tell us, did you and Michael
9 take the buildings down or did you hire a
10 contractor to do that?

11 A. At the time for quite -- several years,
12 we had -- we had our own building construction
13 crew.

14 Q. Were those employees at Angel Valley?

15 A. Yes.

16 Q. And what happened to the debris from
17 those cabins that you took down -- or the buildings
18 you took down?

19 A. Of those buildings anything that looked
20 like it -- it was best to throw it in the dumpster
21 and haul it off, we took there. We may have burned
22 some things at the time, only we have never burned
23 anything that would contain nails or that would
24 contain anything that could be any way harmful.
25 And we never, ever would do that for ceremony.

1 Q. Following October of 2009, were some
2 lawsuits filed against you and Michael and Angel
3 Valley?

4 A. Yes.

5 Q. And can you tell us what Angel Valley --
6 as far as legal entities, is there a company or
7 companies or businesses called "Angel Valley"?

8 A. Angel Valley is -- the basis of Angel
9 Valley is a ministry, Angel Valley Ministries. And
10 that was incorporated as a 501(C)(3) in 2004. The
11 retreat center itself is a business aspect under
12 the ministry. And that is incorporated as an LLC,
13 Angel Valley Spiritual Retreat Center.

14 Q. And following, then, the sweat lodge
15 in 2009, were some lawsuits filed against you and
16 Michael and the different Angel Valley entities
17 you've told us about?

18 A. Yes.

19 Q. And are any of those still pending?

20 A. The lawsuits are still pending. Yes.

21 Q. And did you file any lawsuits?

22 A. We filed a lawsuit.

23 Q. And against whom?

24 A. We filed a lawsuit against James Ray.

25 Q. And is that still pending?

1 A. That's still pending.

2 Q. And can you tell me what the philosophies
3 are behind Angel Valley. Why does Angel Valley
4 exist as opposed to some of the other businesses
5 or -- or spiritual centers that may also exist over
6 in Sedona?

7 A. Not necessarily as opposed to. I would
8 say in addition to. Our main -- our main objective
9 is to provide a space and services where people who
10 are searching on a spiritual journey to offer
11 possibilities for people to be with us, to stay
12 with us, to be on -- in nature.

13 The place is very quiet. It's a
14 beautiful opportunity to be in nature, connect with
15 nature. And through that we feel the connection
16 with nature. They connect with their spirits.
17 They connect with God. Although not everybody
18 wants to call it "God." So it is the -- the No. 1
19 objective is a spiritual experience.

20 Q. And who is the property open to? Who can
21 attend or come to Angel Valley?

22 A. Any -- any person of any denomination.

23 Q. And can you tell us, in 2009 do you
24 recall who was working at Angel Valley?

25 A. In 2009? You mean on staff?

1 Q. On staff.
2 A. We had one person who did the -- who was
3 the coordinator -- coordinator for our guests. She
4 worked in the office. Ingrid Hardy. We had a
5 chef, Kirstin Johnson. We had our main
6 housekeeper, Fawn Foster. We had a landscaper,
7 Rotillo Vasquez, who was on and off. And he's been
8 not all the time with us.

9 Q. And what do you mean by that?

10 A. He has also left for a little while
11 for -- he was in New Mexico for a little while,
12 came back, and sometimes goes back. And so the
13 landscaping has been a little --

14 And then we had some additional people
15 who come in when we were busy, when we would have a
16 larger group, because so few people cannot handle a
17 larger group. So if we would have a larger group,
18 then we would hire additional people.

19 Q. When you mentioned on staff, are there
20 people who also volunteer, or were -- I should say,
21 were there people in 2009 who volunteered at Angel
22 Valley?

23 A. We also have people who volunteered.

24 Q. Can you tell us the sorts of people that
25 would volunteer. And do you remember approximately

1 how many volunteers you had in 2009?

2 A. There may have been about five, some
3 people who stayed shorter and some people who
4 stayed for a period of three months. What sort of
5 people? It's oftentimes people who love to be at
6 Angel Valley, to work on their growth, to work on
7 their process.

8 And then we make an arrangement that
9 rather than paying, they do work. But the No. 1
10 prospective is the -- the No. 1 goal is always
11 their growth, their -- their searching, their
12 healing.

13 Q. And can you tell us the sorts of work or
14 tasks that volunteers performed in 2009.

15 A. Some help in the kitchen. Some help with
16 landscaping. Some help in housekeeping. Some help
17 in -- depending on what skills they have, some help
18 in maintenance. Some help in the garden -- you
19 know -- the vegetable garden.

20 Q. And how large of a property is Angel
21 Valley?

22 A. It's 70 acres.

23 Q. And can you tell us the facilities that
24 are available to guests. And as you -- as you tell
25 us the facilities, I'm going to place on the

1 overhead Exhibit 140. And if you can point out
2 some of those exhibits -- or some of those
3 facilities that are available to people who use the
4 property on Angel Valley. And the screen that's in
5 front of you, if you touch it, it can -- it will
6 put a mark. Let me put up a color that will
7 hopefully contrast well with it.

8 A. Okay. For people who come to Angel
9 Valley, there's individuals and there's groups.
10 Both individuals and groups use the accommodations.
11 The accommodations are located -- this is a guest
12 house. There's cabins here and here. There's also
13 rooms here. Everybody uses the dining room.
14 That's here.

15 Q. Is there a particular name that you refer
16 to that dining facility as?

17 A. We call that the "Yellow House."

18 Q. Okay.

19 A. This accommodation facility we call the
20 "Orange House." Then when we have groups, their
21 main meeting facility is here at Crystal Hall.
22 Sometimes when we have larger groups or when the
23 group wants to do movement, they do it in the Heart
24 Pavilion, which is a large, white -- they call it a
25 "missionary tent." And then we have --

1 Q. You mentioned a large tent. Can you tell
2 us approximately how big that is.

3 A. It is 52 feet in diameter.

4 And then we have this building here. We
5 call that the "Lighthouse." It is the original
6 homestead. It's a nice, small building, built of
7 the rocks that were found on the land in the
8 beginning of the last century. And we use that as
9 a meditation place. And we have two healing rooms
10 in there. Those are the accommodations and the
11 facilities that are immediately used.

12 Then we have here the office. And then
13 we have features that are used by all guests but
14 also by day visitors. And two of them are here and
15 here. Our labyrinth, you walk -- that is a
16 meditation tool that is here on this area.

17 There is what we call an "angel wheel."
18 That is a feature based on the ancient sacred
19 geometry symbol of a circle and cross. That has
20 been used in many different traditions. And the
21 Native Americans make a medicine wheel of it. And
22 we make our own variety. We call it an "angel
23 wheel" because we make connections with the
24 different Archangels.

25 Q. Can you -- you mentioned that you had --

1 let me clear off these -- these marks. You
2 mentioned that since you purchased the property,
3 you've put up some structures. Can you tell us the
4 structures that you put up.

5 **A. You mean the new structures --**

6 **Q. Yes.**

7 **A. -- that were built new?**

8 **These are those cabins here and those.**

9 **And then the bathhouse here that has -- each cabin**
10 **has a bathroom in this bathhouse. There is another**
11 **bathhouse here. There is a temporary bathhouse**
12 **here that services the rest rooms for the Crystal**
13 **Hall until we have made that into a larger expanded**
14 **building.**

15 **Q. And were some pump houses built as well?**

16 **A. And pump houses. Yes. We -- we have**
17 **five wells on the property. We had four of them**
18 **redone, repaired, whatever needed to be repaired.**
19 **And we built the pump house here where it already**
20 **says, Well P, and says, Well HM, is there -- about**
21 **here.**

22 **Q. And I'm going to show you what's been**
23 **admitted as Exhibit 796 and ask if you recognize --**

24 **A. Yes.**

25 **Q. Can you tell us what's -- what's depicted**

1 in 796.

2 **A. That is a well house that we built in**
3 **2005 and '6, and that is --**

4 **Q. And then I'm showing you what's admitted**
5 **as 795. Is that the same structure as --**

6 **A. That is the same from a different angle.**

7 **Q. And can you tell us who actually built**
8 **the pump houses on the property.**

9 **A. Michael was in charge of the construction**
10 **crew. And we had people on staff who have been**
11 **working with us for quite a few years, and they**
12 **would build this.**

13 **Q. And were the pump houses that were**
14 **built -- were those built by the same materials as**
15 **the cabins that you referred to?**

16 **A. The pump houses were built in logs. But**
17 **only those pump houses were built with cedar logs.**
18 **And only one of the cabins has been built with the**
19 **same cedar logs. The other cabins have been built**
20 **with pine logs that were delivered later after the**
21 **cedar logs.**

22 **Q. And why, if -- if you know, was only one**
23 **cabin built using these cedar logs?**

24 **A. Because Michael had ordered these logs**
25 **which was -- it was kind of a second grade log.**

1 **And we hoped that we would be able to work them**
2 **nicely. But once we had taken the best out for the**
3 **pump houses and for one cabin, the rest it was just**
4 **not good enough quality to -- to build a cabin**
5 **from. So then we ordered new higher -- higher**
6 **grade, just normal, first-rate logs.**

7 **Q. And what do you mean it wasn't good**
8 **enough quality?**

9 **A. The -- the logs would be -- start to**
10 **twist and start to crack somewhat, which**
11 **first-grade logs would not do.**

12 **Q. And do you know whether those logs were**
13 **treated?**

14 **A. No. No. Oh. Do I know? Your question**
15 **is do I know? I know they were not treated. They**
16 **were not treated.**

17 **Q. Okay. Once the structure, for example,**
18 **this pump house which is on 796 and 795, was built,**
19 **after it was physically built, was, then, some sort**
20 **of a stain or a varnish put on the wood?**

21 **A. Yes. After they are built, there is a**
22 **stain put on the -- on the -- on the exterior and**
23 **also on the interior. But the exterior has a --**
24 **has one that gives more protection to the weather**
25 **than the one we use inside.**

1 **Q. Okay. Do you know whether any of that**
2 **stain was placed on the logs before the structure**
3 **was built?**

4 **A. No. Never.**

5 **Q. Turning back to the map of your property,**
6 **I noticed that there is a pond and a vegetable**
7 **garden.**

8 **A. Uh-huh.**

9 **Q. Can you tell me when those were put in**
10 **and -- and when they began functioning.**

11 **A. The vegetable garden was made in 2003.**
12 **And that was the first year. We found that what we**
13 **did in the vegetable garden was not so successful**
14 **because we didn't have a fence around it. And the**
15 **deer loved what we did. So we decided that we had**
16 **to put a fence around it. And since then we have**
17 **used this garden. It's a six-foot fence and three**
18 **foot in the ground because they come from all**
19 **directions.**

20 **And since then we have used the vegetable**
21 **garden. Some years the entire garden because it's**
22 **quite big, and sometimes -- some years we do not**
23 **have the -- the personnel -- the people to do the**
24 **entire garden. So then we do a part of it.**

25 **Q. And what sort of treatments or chemicals**

1 do you use on the garden to control pests?

2 **A. No chemicals.**

3 **Q.** How would you, for example, control -- I

4 don't know if you get these in Sedona, but we get

5 them over here. How would you control things like

6 slugs and snails and that sort of thing that would

7 try and eat your plants?

8 **A. Basically, none. But there -- there --**

9 **in the planting you can choose certain plants that**

10 **attract certain -- attract certain bugs that can**

11 **balance. If you dive into the organic -- we**

12 **have -- the people who would do the gardening did a**

13 **lot of study on how can we do organic farming. And**

14 **there is a lot known on the Internet to find out --**

15 **you know -- what do you do when you have certain**

16 **problems.**

17 **And I do not have the problem that you**

18 **indicated. I do not remember that we had a lot of**

19 **that. But --**

20 **Q.** So you're lucky, then.

21 **A. -- it's more something that is small ones**

22 **sometimes. And sometimes we just say, oh, well.**

23 **That's what we have to live with. Because we do**

24 **not want to use chemicals in that organic garden.**

25 **Q.** And there is -- the map indicates there

1 is a pond near the garden. Can you tell us about

2 the pond.

3 **A. Well, the pond. It is -- it's been dug.**

4 **It's not turned into a pond yet. It was dug**

5 **when -- if you see to the right where it says "Star**

6 **Village," this whole entire area -- this entire**

7 **area here is, basically, floodplain. And when we**

8 **had the flood in 1990 -- in 2004, the water came up**

9 **kind of like here. And -- and we wanted to make**

10 **these cabins there, so we raised a platform so that**

11 **it would be out of this entire area, like around**

12 **this.**

13 **We raised that, but we had to get the**

14 **dirt from somewhere, so we dug here. Out of the**

15 **pond we dug all that dirt to fill up this area.**

16 **And the reason why we wanted to make a pond, not**

17 **only that it will make a nice landscape feature,**

18 **but we also were thinking of if ever we would have**

19 **a wildfire around, wouldn't it be nice to have a**

20 **big body of water on the property that we could use**

21 **for the wildfire and because the helicopters could**

22 **not -- would not be able to scoop out of the creek**

23 **because the creek is not deep enough everywhere.**

24 **Q.** Now, on the map there is also indicated

25 some -- some features on the far side of the creek.

1 Can you tell us what's on the far side of the creek

2 starting maybe in this area here?

3 **A. Oh, yeah. Okay. Let me first show you.**

4 **The property line goes kind of there and here,**

5 **although it is not completely proportionate. Then**

6 **we have trails. And there is a little trail that**

7 **always washes away when the water comes up. It is**

8 **a trail that people can walk. Yeah. And otherwise**

9 **it's just -- this first piece is a floodplain area.**

10 **The dry creek is coming over there. It runs into**

11 **Oak Creek over there. And it's just wild --**

12 **wilderness, nature, forest land.**

13 **Q.** And what -- and what sort of activities

14 take place on the -- on the far side or the north

15 side of the creek?

16 **A. Normally there is not much activities**

17 **taking place.**

18 **Q.** And as far as the explanation of the map,

19 over here in the top, right-hand corner of the map,

20 there is -- there is a number of cabins and a

21 teepee. Are those actually physically located on

22 the far side of the creek?

23 **A. No. This part that I'm marking here is**

24 **an enlargement of this part because it was easier**

25 **to -- if we -- if I enlarged it on this map, I**

1 **could put names to it and numbers on the cabin,**

2 **which was not very well possible to do that in this**

3 **area.**

4 **Q.** And then can I ask you what this

5 structure is right in here.

6 **A. That is the neighboring property. There**

7 **is two parcels of land -- this one ends here --**

8 **that do not belong to Angel Valley's property.**

9 **Q.** And I'm just going to jump ahead a little

10 bit. But since we have the map up, there has been

11 some testimony that the Mercers stayed on the

12 property or near the property after they --

13 **A. Uh-huh.**

14 **Q.** -- stopped working for Angel Valley. Can

15 you show us, if you would, on this map where they

16 were living once -- once they weren't full-time

17 employees of Angel Valley?

18 **A. They started living there. They lived**

19 **here in this building. And they started living**

20 **there when they were still employed by Angel**

21 **Valley, but -- that then changed as they were**

22 **there.**

23 **Q.** And do you know how long or what months

24 or years they lived in that building?

25 **A. They -- they moved in there in November**

1 of 2008, and they left in November of 2009. They
2 lived there for one year.

3 Q. And then prior to the Mercers living in
4 that cabin, can you tell us where they would reside
5 when they were on the Angel Valley property if you
6 can see it on this map.

7 A. They would have -- for one summer
8 before -- prior to November of 2008, I think from
9 the mid summer on, from July or so until November,
10 they were having a trailer -- camper trailer. And
11 it was here in this area.

12 Q. Can you tell us what chemicals are used
13 and have been used on Angel Valley's property since
14 you took over the property.

15 A. That is a very wide question.

16 Q. Well, let me narrow it down. Let's start
17 with -- or do you use any sort of soaps or
18 chemicals in the laundry?

19 A. We use nonfragrant laundry detergent.
20 And we do not use -- do not use bleach.

21 Q. And can you tell us the time frame that
22 you had the property that you've -- you've followed
23 that philosophy for your laundry?

24 A. Always from the start.

25 Q. How about in the kitchen? What sort of

1 soaps are used there?

2 A. Also very, very environmentally -- the
3 detergents that you buy in a health food store.

4 Q. And how about for weed control on the
5 property? How do you control weeds on the
6 property?

7 A. No. 1, weed -- or actually, No. 1,
8 there's places where weeds are okay. If the weeds
9 are not okay, we weed. If we need to do something
10 more, like places like the labyrinth -- we just do
11 not want any weeds there -- then we use sometimes
12 a -- we have used two things over time. The one is
13 a -- is kind of a spray that we make out of
14 vinegar, orange essential oil, and soap --
15 peppermint soap. And we spray that on -- on the
16 weeds itself.

17 And then if we don't have one of these --
18 if we're out of essential oil, so to speak, we use,
19 like, a solution with salt, just regular iodine
20 kitchen salt.

21 Q. And you mentioned there are areas on the
22 property where you don't mind if there are weeds.
23 Can you point out where some of those areas would
24 be.

25 A. You know, the areas here and here. And

1 then if -- the trails we keep clean by just
2 weeding, pulling them, the little things, pulling
3 them by hand or with the -- what do you call it?

4 Q. Is it like a hoe or something?

5 A. Yeah. Hoe.

6 Q. Okay. And then how about pest control on
7 the property? Can you tell us the sort of pests
8 that you've had the need to control over the years
9 since you've purchased the property.

10 A. The main pests have been rodents, mouse
11 and rats. Yeah. We're out in the wild. It's a
12 little bit difficult to keep them completely away.
13 We would initially only set traps, and that's
14 usually worked.

15 Once in 2006 we had rats -- rats eating
16 cables in our cars, which gave us a lot of damage.
17 And we had to do something more -- more than just
18 traps. So that is when we started to use some --
19 what we felt the least invasive chemical, if you
20 want, that we could find.

21 Q. And do you know what those chemicals
22 were?

23 A. One was these -- these baits. They call
24 it "baits." It was called "Just One Bite," these
25 yellow cookies. And there was -- there is another

1 product, similar, green, also cookies -- cookies
2 baits. The brand is GT Eaton (sic). And then
3 there is also -- d-CON has these little -- these
4 little pellets.

5 Q. And I'm going to put up on the monitor,
6 and ask you to point out which, if any, you've been
7 talking about. Exhibit 882. Do you see the
8 products on the monitor that you've been talking
9 about?

10 A. Yes. These are -- these are the ones
11 that we used in 2006 in the cars.

12 Q. Can you tell us what the products are
13 again and point out to each individual one.

14 A. So this is the -- the yellow. That is
15 the Just One Bite, and these green ones are the
16 GT Eaton baits. And the d-CON pellets are these
17 that is in this little box.

18 Q. Other than the -- the use of this
19 pesticide or rodenticide on your vehicle, have you
20 used any of those or any other chemicals to control
21 rodents anywhere else on the property?

22 A. After the rats were gone -- because at a
23 certain point the plates remained full. So we knew
24 that the problem with the cars should be over. At
25 times when we found places where we found mouse

1 droppings or -- you know -- that you saw that
2 something had been there, some rodent had been
3 there, we would first set up traps again. And then
4 we would at times put the same baits on a plate
5 where we found that we had not been able to get rid
6 of them with only the traps.

7 Q. And can you tell us what areas on the
8 property you found the need to do that.

9 A. We would put them on the -- in the crawl
10 spaces of the houses, of the Yellow House or the
11 Orange House. Because the cabins do not have a
12 crawl space.

13 When we -- when we -- when guests would
14 mention that they would hear something crawling
15 underneath and over their head, so we would, then,
16 put them up on the roof. We had to be careful
17 because the -- also, after the car thing, we
18 decided that we should have cats, several. So we
19 also want our cats not to be eating this. So
20 whenever we use them, we put them in places where
21 there is no access by humans or pets.

22 Q. Did you ever have any problem with the
23 cats getting into the poison?

24 A. No.

25 Q. Are there any other pests that you've had

1 to use some sort of a natural or a chemical product
2 to control on Angel Valley property?

3 A. Yeah. Ants. Ants are -- ants are there.
4 And when they are in places where they don't bother
5 us, that's fine. But sometimes they are in places,
6 they are in the way. And if we do our best to ask
7 them to leave and they don't, then we would make a
8 spray combination, again, of the essential oil with
9 compost tea.

10 Q. What's compost tea?

11 A. Compost tea is when you -- when you
12 compost, you have this dirty stuff that comes
13 underneath that is usually a little smelly. But
14 it's moisture that comes out of -- it's just in the
15 bottom of your compost can.

16 And you take that compost tea and then
17 you blend the essential oil with it and then
18 molasses and water. And we would spray that, and
19 that would usually be effective.

20 Q. And can you tell us some of the places
21 you would spray that sort of product?

22 A. The labyrinth, the main trails where
23 people are walking on the trails. The place that
24 we could use it is the angel wheel. But I don't
25 remember if we ever had to.

1 Q. I'm sorry. The what -- the what?

2 A. The angel wheel.

3 Q. Okay.

4 A. So the place that -- where they're
5 utilized by people where they would walk, sit, lay
6 down maybe. And then you do not want ants to be
7 because these fire ants -- it's the big fire ants.
8 That is what we are talking about. Small ants we
9 don't do anything with. We just -- you know --
10 they are just there.

11 Q. Now, we've heard that there are some
12 places where people might spend the night,
13 essentially, in the desert for Vision Quest. Are
14 you familiar with where those locations would be?

15 A. The Vision Quest locations?

16 Q. Yes.

17 A. I am very familiar with that.

18 Q. Can you tell us, were they generally at
19 the same location year after year, or did they --
20 did you move from one markedly different place to
21 another at some point in time?

22 A. In answer to your question, yes. I would
23 use them year after year.

24 Q. They didn't -- I'm sorry. Go ahead.

25 A. However, every year I was always in

1 charge of the preparation for the Vision Quest.
2 And I would every year check all the places whether
3 they would be suitable. And if one place -- for
4 example, talking about ants. If I would find that
5 the ants would have found one location, then that
6 would go off my list.

7 Q. Did you ever spray this -- this compost
8 and essential oil mixture on the Vision Quest
9 sites?

10 A. No, I did not. Because if there was
11 something that made the site not usable, then I
12 would just pick another site.

13 Q. Other than the mixture that you've told
14 us about with the compost and the essential oils in
15 it, have you used anything else to control insects
16 on the property?

17 A. Ants. Only once in 2010 we had a worse,
18 big problem with the fire ants because they -- one
19 of the problems is they came inside the cabin. And
20 we felt that we needed to do a little more drastic
21 on that.

22 THE COURT: The court reporter --

23 MR. HUGHES: Yes, Your Honor.

24 (Pause in proceedings.)

25 THE COURT: Okay. Ladies and gentlemen, we

1 will take the morning recess at this time. So, of
2 course, remember the admonition.
3 And, Ms. Hamilton, I'll just advise you
4 that you need to abide by the rule of exclusion of
5 witnesses, meaning you cannot discuss the case or
6 your testimony with any other witness. You cannot
7 communicate or attempt to communicate with any
8 other witness in any way about the case. It's just
9 a good idea not to talk to anyone about the case
10 until it's over.

11 However, you can talk to the attorneys as
12 long as other witnesses are not present.

13 Do you understand that basic rule?

14 THE WITNESS: I do.

15 THE COURT: Okay. Thank you. And we will be
16 in recess. I'm going to be here at the bench a
17 moment. I have some difficulty with my PC, but we
18 will be in recess, then.

19 Please reassemble, ladies and gentlemen,
20 in 15 minutes, which is about five till.

21 Thank you.

22 (Recess.)

23 THE COURT: The record will show the
24 presence of Mr. Ray, the attorneys, the jury.

25 Ms. Hamilton is back on the witness stand. And she

1 has been sworn, of course.

2 Mr. Hughes.

3 MR. HUGHES: Thank you.

4 Q. Mrs. Hamilton, I think when we left off,
5 we were -- I just asked or was about to ask a
6 question about other than this compost tea that you
7 used that had the lemon oil or the orange oil in
8 it. What other chemicals did you use to control
9 ants on the property?

10 A. **This one time that the fire ants came**
11 **into a cabin, we used a product called "AMDRO."**

12 Q. And can you spell that for us.

13 A. **A-M-D-R-O.**

14 Q. Okay. And do you recall when that was
15 used?

16 A. **That was in the summer of 2010.**

17 Q. And whereabouts was that used?

18 A. **Well, one of the cabins somewhere here.**
19 **Cabin 5 or 6.**

20 Q. Do you know whether any other chemicals
21 were used to control bugs on the property?

22 A. **No.**

23 Q. Do you know whether nonchemical
24 substances, like diatomaceous earth, were used?

25 A. **Oh. Sorry. Yes. Of course.**

1 Q. Okay. And --

2 A. **In case we have -- in case we have ants,**
3 **we -- the first product we use is diatomaceous**
4 **earth.**

5 Q. How do you use diatomaceous earth to
6 control ants?

7 A. **It is a powder. It is a fossilized**
8 **algae, and that's powdered. And then you -- you**
9 **put that on the -- on the ants hill in the opening,**
10 **and the ants carry it in. And, basically, the**
11 **working of it is that the earth is make -- blocking**
12 **their digestive system. And they just won't**
13 **survive that. But it's -- it's an earth-natural**
14 **product.**

15 Q. Now, turning to the weeds, did you ever
16 use any landscape fabric or any other nonchemical
17 methods other than pulling weeds to control weeds?

18 A. **In these places where we have the**
19 **features were the trails or any area where we cover**
20 **the original soil with sand, before we put the sand**
21 **on, we buy this landscaping fabric that we put**
22 **underneath the sand. It's effective. And we don't**
23 **have as many weeds when we have that fabric under**
24 **the sand.**

25 Q. You mentioned that you have cats on the

1 property. Do you recall when -- when it is -- did
2 the cats show up on their own, or did you go out
3 and get the cats?

4 A. **And we brought one cat, and he**
5 **disappeared. And in 2006 we had a little period**
6 **without cats. And that's when the pack rats**
7 **happened. And then we said, this is over. So I**
8 **went to the Humane Society, and I brought home two**
9 **cats.**

10 And then one of the people that were
11 working with us said, we need some more cats. I
12 have some extra cats.

13 I said, okay. Bring two more.

14 Since then, we have always had four cats.

15 Q. And then referring to -- you mentioned
16 that some rats or mice had gotten into your
17 vehicles. Do you recall approximately when that
18 was?

19 A. **That was in October of 2006.**

20 Q. And I'm going to put on the overhead
21 what's been marked as Exhibit 882 and ask if you
22 recognize -- if you recognize what's depicted
23 there.

24 A. **I do recognize that. These are two**
25 **pictures. One was photographed on October 26th.**

1 And on the right side just here you see 26, which
2 was the date that was on the photo itself. And
3 then the time of it as taken by the camera was a
4 couple of hours off. I mean, the time is not
5 exact. But this was on the 26th.

6 And then the other photo is -- that's why
7 I've combined them -- was taken on the 28th of the
8 same plate. So after it had stayed there for a day
9 and a half, this is what's left over. Everything
10 is gone almost. And they had brought in more --
11 pieces like this, they brought in the car. We were
12 amazed.

13 Q. And had you been actually driving the
14 car?

15 A. No. Because in those days we left the
16 car there to -- to see how we could attack these --
17 these rats. No. So we -- we had two cars. So
18 those days that we were doing this treatment, we
19 used the other car to leave this experiment go
20 there.

21 Q. And you mentioned that the -- the time
22 was off. Do you know whether the date or the year
23 was accurate or not on the photographs?

24 A. Yes. 26 said there. And then when
25 you -- I made this combination with the two of them

1 to see the difference between two, because I took,
2 oh, 20, 30 photos of this -- this thing because it
3 was fascinating. But when I put them together, you
4 could see the difference between them.

5 For some reason the photo -- the photo
6 itself, the print, showed the date, not the month
7 and the year. I don't know why. But then the --
8 the original photo in my computer shows that it was
9 taken on 2006 -- 2006-10-26. So it can be traced.

10 Q. And I'm going to put up Exhibit 883.
11 These appear to be similar photos. Can you tell us
12 how they're different from 882.

13 A. Well, after we had the other -- the other
14 one when the plate was almost empty, we put another
15 plate, filled it again, and wanted to see whether
16 they would come more eating.

17 You may also see here there is one of the
18 other measures that we took. We'd hang little
19 balls with -- little bags with mothballs in the
20 car. That was what we first tried before we put
21 the cookies in. But then they still kept coming.

22 And then on 29 -- the photo at the bottom
23 on the 29th, everything was, again, gone and even
24 more branches were brought in. So that -- we did
25 that about for a week. And then at the end of the

1 week, the plate was still -- they wouldn't come and
2 eat them anymore.

3 Q. And you mentioned -- you used the word
4 "cookies." Can you tell us what you mean by using
5 the word "cookie."

6 A. Oh. Those things -- oh. I'm sorry.

7 Q. I moved it. I apologize.

8 A. On the -- on the packages they call them
9 "baits." But, yeah. We use cookies. We call them
10 "cookies."

11 Q. Turning, then, from the use of chemicals
12 or pesticides, can you tell us, if you recall, when
13 you first had the opportunity to meet the
14 defendant?

15 A. James Ray?

16 Q. Yes.

17 A. We first met James Ray in August of 2003.

18 Q. And how is it that -- can you describe
19 the circumstances of how it is that you met with
20 Mr. Ray.

21 A. There was a person in town that we knew.
22 And he kind of -- was kind of like a broker for
23 events. And he called us and he said he had a
24 gentleman from California who was looking for a
25 place to do a sweat lodge and a Vision Quest and

1 could that be done at Angel Valley possibly.

2 And we said, well, let's get together and
3 talk and see what -- what can be done. What are
4 the requirements? What does -- what does the
5 gentleman want? And -- and could we provide what
6 he's looking for.

7 Q. And do you remember when it was in 2003
8 that you met the defendant?

9 A. That was, I think, July 28th or
10 something -- the very end of July.

11 Q. Okay. And at some point after meeting
12 with the defendant, did he take a group of people
13 out to your property that year?

14 A. Yes, he did.

15 Q. And can you tell us approximately when
16 and for what use the property was put by Mr. Ray in
17 that year?

18 A. The retreat that he had planned,
19 scheduled in the beginning of the first week of
20 November. During that retreat -- November of 2003.
21 During that retreat he wanted to do a Vision Quest
22 and a sweat lodge. So when we decided that we saw
23 possibilities of how we could accommodate that,
24 then when we had communication, and then he
25 eventually came with his group in November.

1 Q. Do you recall the size of the group in
2 2003 that he brought with him?
3 A. Yes. The group was 39 participants.
4 Q. And do you know whether -- at the time
5 you -- you met with the defendant at the end of
6 July, did you have a sweat lodge that would hold 37
7 participants?
8 A. I know the answer to the question. No.
9 We did not have a sweat lodge that would hold so
10 many people.
11 Q. And did you build a sweat lodge, then,
12 prior to October of 2003?
13 A. We did.
14 Q. And who built the sweat lodge in 2003?
15 A. In 2003 we had a group that was doing a
16 retreat. And they built two sweat lodges for their
17 event and took it down when they were done. And
18 this person, he's a local person. He has been
19 building very many sweat lodges.
20 And when we needed to -- a new sweat
21 lodge -- a larger sweat lodge than the one we had,
22 because we had a small sweat lodge at the time that
23 was not big enough for James's group, and we asked
24 this person can you help us build that? So our
25 staff built it, basically. But this -- this

1 person, he supervised how to do it. He gave us
2 instructions.
3 Q. Now, the --
4 MR. LI: Your Honor, may I have a quick moment
5 with Counsel, please?
6 THE COURT: Yes, you may.
7 Q. BY MR. HUGHES: On the map here, it --
8 which is Exhibit 140, it shows a sweat lodge. Is
9 that where the sweat lodge was built in 2003?
10 A. No. In 2003 the sweat lodge was in this
11 area here. Sorry. It's a little big. Where it
12 says, "fire pit," that is where we had a small
13 sweat lodge. And we built the larger one for
14 James's group next -- right next to it.
15 Q. And can you show us approximately where
16 the Vision Quest sites were for 2003.
17 A. In 2003 we made Vision Quest sites,
18 several of them here in this area and in this area
19 among the trees and -- and some here and some here.
20 That's -- that's -- and then a few here. That was
21 in 2003.
22 Q. And other than the sweat lodge and the
23 Vision Quest, did Mr. Ray and his participants stay
24 the week at Angel Valley in 2003?
25 A. In 2003 the group stayed in Enchantment

1 Resort. And they only came to Angel Valley for
2 the -- first the sweat lodge and after that the
3 Vision Quest.
4 Q. So the Vision Quest was conducted after
5 the sweat lodge in 2003?
6 A. Yes.
7 Q. Do you recall in 2004 whether the
8 defendant came again with his group of
9 participants?
10 A. He came again with his group of
11 participants.
12 Q. And what month was it in 2004?
13 A. In 2004 it was in October, a little
14 earlier than the one in 2003.
15 Q. And what do you mean by "a little
16 earlier"?
17 A. Only once James came -- James came to
18 Angel Valley in November. And I liked being
19 earlier because then we have -- in October we have
20 nicer weather than in November. It's kind of
21 getting cool.
22 Q. And do you recall how many participants
23 came in 2004?
24 A. Only 14.
25 Q. And did they stay the entire week?

1 A. They stayed the entire week with us.
2 Q. And you mentioned the Vision Quest was
3 after the sweat lodge in '03. Was that the same in
4 2004?
5 A. That was the same in 2004.
6 Q. And can you point out for us, if you
7 would, where the sweat lodge was that -- that was
8 used in 2004.
9 A. In 2004 we used -- we used the same
10 structure that we had built in 2003 in this -- in
11 this area here by the fire pit.
12 Q. Okay. And I have to warn you. When you
13 touch on the screen --
14 A. Yeah. I see.
15 Q. -- the mark doesn't exactly go where you
16 touch.
17 A. I know. I noticed.
18 Q. Okay. And can you tell us whether in
19 2005 Mr. Ray used your facilities.
20 A. He did.
21 Q. And what month was that?
22 A. That was in -- that's also in October.
23 Q. Are we in October now for the duration
24 for each year?
25 A. No.

1 Q. Okay.
 2 A. No.
 3 Q. Well, then let's -- let's -- in 2005 do
 4 you recall how many participants Mr. Ray brought
 5 with him?
 6 A. **Forty-nine.**
 7 Q. And did they stay on the property the
 8 whole week?
 9 A. **They did.**
 10 Q. And was the Vision Quest before or after
 11 the sweat lodge?
 12 A. **In 2005 the Vision Quest was before the**
 13 **sweat lodge.**
 14 Q. And can you point out for us where the --
 15 that sweat lodge ceremony was held?
 16 A. **That is in -- you see here where it says,**
 17 **sweat lodge? That is where the sweat lodge has**
 18 **been ever since 2005.**
 19 Q. And as far as you can tell, do the sweat
 20 lodges from 2005 on appear to have been built in
 21 approximately the same spot each year?
 22 A. **Not approximately. Exactly the same**
 23 **spot.**
 24 Q. Okay. And how is it that they were built
 25 in exactly the same spot, that you know that?

1 A. **Because in 2005 after we moved from the**
 2 **area here to here, after the flood we had in 2004,**
 3 **the winter of 2004, 2005, the -- the sweat lodge**
 4 **has a hole in the middle where the stones go in.**
 5 **And that hole was made in 2005 and never changed.**
 6 Q. Do you remember who dug that pit?
 7 A. **I -- that pit was dug by the people who**
 8 **in 2005 erected the structure.**
 9 Q. Do you know prior to 2005, were tarps
 10 used on the sweat lodge?
 11 A. **Plastic tarps you mean?**
 12 Q. Yes.
 13 A. **No.**
 14 Q. And starting in 2005, do you know whether
 15 tarps were used?
 16 A. **In 2005 for the first year that we used**
 17 **for the soft covering of brown vinyl.**
 18 Q. Okay. And were any other tarps, other
 19 than that big, brown, vinyl tarp, used in 2005?
 20 A. **Not that I remember.**
 21 Q. And did you have some concerns in 2005 as
 22 to whether that vinyl tarp might be getting hot
 23 during the ceremony?
 24 A. **No.**
 25 Q. Do you know whether that tarp in 2005 got

1 hot during the ceremony?
 2 A. **I checked it because I wanted to be sure.**
 3 **And it did not to my feeling.**
 4 Q. And how did you check it?
 5 A. **I was -- I was around towards the end of**
 6 **the ceremony. And I -- so I had time to feel what**
 7 **it would feel like.**
 8 Q. And then turning ahead to 2006 --
 9 A. **Uh-huh.**
 10 Q. -- can you tell us whether the defendant
 11 used your property in 2006.
 12 A. **Yes, he did.**
 13 Q. And for the entire week?
 14 A. **For the entire week.**
 15 Q. Which month was it used?
 16 A. **That was in August.**
 17 Q. And can you tell us where -- how many
 18 participants came in 2006.
 19 A. **In 2006 there were 40.**
 20 Q. And you may have already mentioned this.
 21 But can you tell us where the sweat lodge was built
 22 in 2006?
 23 A. **Same place where it says, sweat lodge.**
 24 Q. Was the sweat lodge after 2005 ever built
 25 anywhere else than in that location?

1 A. **No. It stayed in the same location.**
 2 Q. And in 2007 can you tell us how many
 3 participants the defendant brought with him?
 4 A. **Sixty-two.**
 5 Q. And in addition to participants on these
 6 years, did Dream Team members or other staff
 7 members also come?
 8 A. **Yes, they did.**
 9 Q. Do you recall how many people all
 10 together, then, came in 2007?
 11 A. **In 2007 there were -- I have a note with**
 12 **me. Can I give you exact numbers? Could I look at**
 13 **those?**
 14 Q. Did you make some notes that would help
 15 refresh your recollection as to how many
 16 participants and other people were present?
 17 A. **I would like to give as precise as**
 18 **possible if I can. I can -- I can do it without**
 19 **the notes too.**
 20 Q. Would looking at your notes refresh your
 21 memory?
 22 A. **It would.**
 23 MR. HUGHES: Your Honor, may the witness refer
 24 to her notes?
 25 THE COURT: Mr. Li?

1 MR. LI: No objection.
 2 THE COURT: Yes.
 3 THE WITNESS: So your question regarding 2007
 4 was how many --
 5 Q. BY MR. HUGHES: Yes. How many people all
 6 together came? Do you recall?
 7 A. **There were 62 participants and -- retreat**
 8 **participants, and he had 9 staff.**
 9 Q. In what month was the defendant there in
 10 2007?
 11 A. **In September.**
 12 Q. And did the defendant come back, then,
 13 in 2008?
 14 A. **He did.**
 15 Q. And what month did he come back?
 16 A. **Also in September.**
 17 Q. And do you recall how many participants
 18 came with him in 2008?
 19 A. **Also 62.**
 20 Q. Okay. And do you recall how many staff
 21 came in 2008?
 22 A. **There was all together 13 staff.**
 23 Q. And then in 2009 we'll -- we'll be asking
 24 you some questions about 2009 in specific. But do
 25 you recall how many participants came in 2009?

1 A. **Fifty.**
 2 Q. And how many staff?
 3 A. **Fourteen.**
 4 Q. And for purposes of the record, for a
 5 couple of those numbers I saw you looking down.
 6 Were you looking at the same notes you referred to
 7 earlier?
 8 A. **Yes, I did.**
 9 Q. As far as the running of the affairs at
 10 Angel Valley, did your role in running Angel Valley
 11 change at some point over the years since you
 12 purchased the property?
 13 A. **It did.**
 14 Q. And can you tell us, first of all, for
 15 the first years that you had the property what your
 16 role was at Angel Valley.
 17 A. **I am very much a hands-on person. So in**
 18 **the first two years, I was involved in almost**
 19 **everything. As we were growing, in 2008, we**
 20 **started -- actually, 2007, late in 2007, we hired a**
 21 **general manager. My tasks became less hands on.**
 22 **He left in 2009 -- at the end -- at the end**
 23 **of 2009. So after that my function became more**
 24 **hands on again.**
 25 Q. And can you tell us who the manager was

1 that you hired in 2007.
 2 A. **Gary Palisch.**
 3 Q. And how is it that he came to Angel
 4 Valley?
 5 A. **I had met him, and we resonated, and he**
 6 **had marketing experience. And that was something**
 7 **that we really needed. So first he came on as a --**
 8 **almost like a volunteer. But very soon he became**
 9 **more like a paid consultant. And that kind of grew**
 10 **into becoming general manager.**
 11 Q. And do you recall when in 2007
 12 Mr. Palisch took over as general manager?
 13 A. **In September --**
 14 Q. Okay.
 15 A. **-- right before James Ray's retreat.**
 16 Q. And prior to Mr. Palisch taking over,
 17 you've told us what your roles were at Angel
 18 Valley. Can you tell us what your husband,
 19 Michael's, role was.
 20 A. **Michael was more overseeing. He did --**
 21 **he did -- he was in charge of most of the**
 22 **construction. And Michael is more the person who**
 23 **works with the philosophy. And he takes the first**
 24 **steps to set policies. And usually then we discuss**
 25 **things, whether we feel good about it.**

1 Q. And did his role change at some point,
 2 then, after Mr. Palisch took over?
 3 A. **Yes.**
 4 Q. And can you tell us what his day-to-day
 5 role, then, became after Mr. Palisch took over.
 6 A. **He was focusing most of all on the**
 7 **property part of it, less with the retreat center.**
 8 **Because the general manager role was for the**
 9 **retreat center. So we -- we separated the**
 10 **activities more than it had been before.**
 11 Q. And how long did Mr. Palisch stay on at
 12 Angel Valley as the general manager?
 13 A. **He handed in his resignation in November**
 14 **of 2008. And then he worked another six weeks to**
 15 **finish off things that had been pending that he**
 16 **felt like it would be good if he would bring it to**
 17 **further completion.**
 18 Q. While Mr. Palisch was the general
 19 manager, did you take a -- you yourself take an
 20 active role in the sweat lodge ceremonies in 2007?
 21 A. **In 2007 I took a very minimal role. It**
 22 **was most of all sharing with Gary what previous**
 23 **experiences had been so that --**
 24 Q. And -- and let me ask you this: Did
 25 you -- did you go down and observe the ceremonies

1 going on after Mr. Palisch took over in 2007?

2 **A. I came by to observe for a little while.**

3 **Q.** And what do you mean by "a little while"?

4 **A. During the sweat lodge ceremony, I came**

5 **by, was there about 15 minutes probably. After the**

6 **ceremony I was there another 20 minutes.**

7 **Q.** And how about in 2008?

8 **A. In 2008 I was not there at all. I was in**

9 **my office.**

10 **Q.** Okay. And do you know what Michael's

11 role, then, was in 2007 and 2008? While

12 Mr. Palisch was running the -- the general manager

13 duties for the Angel Valley property, what was

14 Michael doing day to day?

15 **A. Your question is -- because Gary Palisch**

16 **never was running the Angel Valley property. That**

17 **was Michael's task.**

18 **Q.** Okay. Well, can you explain the

19 difference, then.

20 **A. Because the retreat center deals with**

21 **guests that are coming in -- individual guests,**

22 **retreat group, group retreats. But anything that**

23 **had to do with the property, with the buildings,**

24 **anything like that, that was -- that was what**

25 **Michael -- Michael did. And that was where Gary**

1 **Palisch was not involved in.**

2 **Q.** Do you know where the blankets and tarps

3 that were used on the sweat lodge structure in 2007

4 were stored after the end of each sweat lodge

5 ceremony?

6 **A. After the end of each sweat lodge**

7 **ceremony, they were stored here in the well house**

8 **that was located where I just indicated and that**

9 **you showed before on the picture.**

10 **Q.** I'm going to show you again what's marked

11 as exhibit and admitted as 796. Is that the -- the

12 well house or the pump house that you've been

13 referring to?

14 **A. That is the pump house where the**

15 **coverings were stored. Yes.**

16 **Q.** And do you know where the coverings, the

17 tarps and the blankets, were stored at the end of

18 the 2008 sweat lodges?

19 **A. I do.**

20 **Q.** Okay. And where were they stored?

21 **A. In the same pump house.**

22 **Q.** And how is it that you know where the

23 coverings were stored?

24 **A. That's where I saw them. I've never seen**

25 **them anywhere else. And that is where we had**

1 **agreed with housekeeping that that's the place for**

2 **the blankets.**

3 **Q.** And how were they stored? Were there

4 racks on the walls or boxes on the floor? How were

5 they stored?

6 **A. We had one big table there behind the --**

7 **the pump house had these pumps in the middle. So**

8 **we had a big table behind that. And that's where**

9 **the blankets were stored off the floor. Because we**

10 **wanted to make sure if ever the pumps would do some**

11 **leaking that the blankets would not get wet.**

12 **Q.** I'm showing you Exhibit 797.

13 **A. Uh-huh.**

14 **Q.** Do you recognize that document?

15 **A. I do.**

16 **Q.** What is 797?

17 **A. 797 is a picture of the interior of the**

18 **pump house. And in the middle you see these big**

19 **tanks. That's -- that's all for the pump. And so**

20 **they cannot be moved. And then the table that is**

21 **behind there, that's where the blankets would be**

22 **stored.**

23 **Q.** And did -- who took the photographs, if

24 you know, that is Exhibit 797?

25 **A. I do know who took it. I took this**

1 **photograph.**

2 **Q.** And why is it that you took this

3 photograph?

4 **A. In March of this year, we were approached**

5 **by Detective Diskin. And he asked us about --**

6 **about the condition in the pump house and about the**

7 **use of any pesticides or insecticides we had ever**

8 **had.**

9 **And I offered him to -- I asked him, do**

10 **you want me to take some pictures, then you can see**

11 **what it looked like? Yes. It is later. But at**

12 **least you can see what it looked like, how we used**

13 **to do it. I can show you. This is the best way**

14 **you can do other than just talking about it.**

15 **Q.** Did you have any pictures on your

16 computer or your camera that had been taken in

17 October -- or around October of 2009?

18 **A. That were --**

19 **Q.** In other words, as far as you know, are

20 there any -- are there any photographs of the pump

21 house from 2009?

22 **A. No --**

23 **Q.** Okay.

24 **A. -- I didn't. If I had had them, then I**

25 **would have given them.**

1 Q. And you mentioned you were asked about
2 the use of pesticides or poisons.
3 A. Uh-huh.
4 Q. Do you know whether any pesticides were
5 ever used in or around this pump house?
6 A. Over time there have been moments that we
7 have used these cookies. And then when we would
8 get rid of the -- rid of the rodents. Then we
9 would stop using them. But I cannot tell you
10 exactly when in these five years since we've had
11 the pump houses there when we would have them out
12 there or not.
13 Q. Do you know who put the poison down?
14 A. Do you mean -- do you mean the cookies?
15 Q. In -- in the pump house --
16 A. Okay.
17 Q. -- these cookies. Who --
18 A. Yes.
19 Q. -- who placed the poison, if you know,
20 over the years in the pump house?
21 A. That would depend -- probably
22 housekeeping, but not always. It can always -- it
23 can also have been sometimes -- housekeeping would
24 usually find -- it would usually be the first
25 person who would say, oh. There's -- there's -- I

1 find droppings or I find something has been eaten.
2 So that would usually be the person, then, to take
3 action.
4 Q. Okay. And you say "usually." Is it --
5 can I infer from your answer that you didn't put
6 the poison down yourself?
7 A. I did not.
8 Q. From time to time, though, would you go
9 into the pump house and see that poison had been
10 placed in there?
11 A. I have seen it. It's not -- I didn't --
12 would not go there to check whether poison was
13 being placed. But we also stored some other things
14 in there -- ropes and stuff that belonged to the
15 teepees that we used to have at some point.
16 So I would sometimes be in the pump house
17 to -- for some reason. And over the years I have
18 seen a few times that it was there. But usually
19 it's not.
20 Q. And can you tell us when the last time it
21 is that you recall seeing poison in this pump
22 house.
23 A. Maybe 2007, 2008.
24 Q. And you mentioned cookies. Can you tell
25 us what -- what it is you saw that made you think

1 it was poison that was in there.
2 A. These -- these yellow -- these yellow
3 cookies that we had on the picture before that we
4 also used at the time that we did it in the car.
5 Q. Now, I'm going to show you what's
6 admitted as Exhibit 798 --
7 A. Uh-huh.
8 Q. -- and ask if you recognize that
9 photograph.
10 A. Yes.
11 Q. And what is 798?
12 A. I took that photo to show you that if we
13 did it in the pump house, this is how we would do
14 it.
15 Q. And do you know whether each time you
16 came in the -- the cookies or the poison was always
17 on the same type of plate?
18 A. No. I don't know.
19 Q. Was it your intention in this photo to
20 suggest that it was always the same plate that was
21 underneath that chair?
22 A. Maybe not the exact plate. I wanted to
23 show that we would always put it on a plate.
24 Q. And then showing you what's been admitted
25 as Exhibit 799, do you recognize that photograph?

1 A. I do.
2 Q. And what is 799?
3 A. That is a close up of the previous photo.
4 Q. And when you took these photos, were
5 the -- this poison -- was it already in the pump
6 house?
7 A. No.
8 Q. Can you tell us how it is that the poison
9 came to be on the plate and in the pump house for
10 this photograph?
11 A. Because the question that we got from
12 Detective Diskin was, what did you do over the
13 years if you had a problem with rats? Well,
14 usually we did not -- you know -- do much. And the
15 problem has never been big other than the one in
16 the car.
17 So what we did over the years -- one of
18 the things that we did over the years was this,
19 this only now and then. There were -- in periods
20 that we did nothing, well there was nothing much to
21 show you.
22 Q. And do you happen to know what the name
23 is for the -- the poison that's depicted in these
24 photographs?
25 A. Yeah. That is Just One Bite.

1 Q. You mentioned that you kept material for
2 some teepees also in that room?

3 A. We did.

4 Q. Can you tell us when it was that you were
5 using teepees on the property.

6 A. We used teepees on the property from 2003
7 to 2007.

8 Q. And what would you use the -- the teepees
9 for?

10 A. Let me correct that. We used many
11 teepees from 2003 to 2007. We -- we just had only
12 one or two teepees left in 2009.

13 Q. Okay. Can you show us on the map, if you
14 would, where it is that the teepees were located
15 in 2009.

16 A. In 2009 we had two teepees left. And one
17 was over there and one was over there.

18 Q. Now, the first one you indicated, you
19 testified a few minutes ago that that area was a
20 raised area to keep it up out of flooding?

21 A. Yes.

22 Q. Do you know about how high the -- the
23 area was raised off the ground?

24 A. Well, on the north side, of course, it
25 runs into the hills. The property from here goes

1 downhill, from here downhill. So this side of the
2 circle is level. And then it continues to be
3 level. On this side it is up about -- about
4 6 foot. Something like that.

5 Q. Let me show you what's been admitted as
6 Exhibit 141. Do you recognize that photograph?

7 A. I do.

8 Q. And do you know who took 141?

9 A. I did.

10 Q. And can you tell us in general what's
11 depicted in Exhibit 141.

12 A. On this photo -- this photo was taken
13 from the road. And -- and here you see the
14 vegetable garden. Here you see the sweat lodge.
15 And it was in 2000 -- well, all those years because
16 the location is the same.

17 Q. Do you know what year you took this
18 photo?

19 A. In 2009.

20 Q. Okay. And do you know when in 2009 you
21 took the photo?

22 A. I took this photo on October 8.

23 Q. And do you know what time of the day?

24 A. At 3:00 o'clock in the afternoon.

25 Q. Okay. And I'm sorry I interrupted you.

1 Can you tell us what else we can see in the
2 photograph.

3 A. Then we were just talking about teepees.

4 Over here just above this bush, you see the -- the
5 peak of the teepee, the one teepee that's also on
6 this map. And then this and this are the two
7 cabins -- guest cabins that are on that plateau.

8 And you talk -- you asked about the raising. If
9 you see this line here, over here you see how it
10 comes up -- how it's covered.

11 Q. Okay. Let me take that off and zoom in a
12 little bit.

13 A. Yes.

14 Q. Is -- is this mounded area, then, inside
15 the circle -- is that the area that was lifted up
16 when you dug out the pond?

17 A. Yes.

18 Q. Mrs. Hamilton, do you know whether the
19 tarps themselves were changed or replaced from year
20 to year after sweat lodge ceremonies?

21 A. I did not completely get your question.

22 Q. Were the tarps that were used -- well,
23 first let me ask you, were the -- did you -- did
24 you use different tarps each time you would have a
25 sweat lodge ceremony on your property?

1 A. If you are referring to the covering of
2 the sweat lodge, the majority of the covering was
3 not tarps. But is your question --

4 Q. Well, I want to --

5 A. -- specifically tarps?

6 Q. I want to go sort of piece by piece.

7 A. Okay.

8 Q. Whenever it would be that you would
9 decide to have a sweat lodge ceremony on your
10 property --

11 A. Uh-huh.

12 Q. -- did you or other Angel Valley people
13 go out and purchase all new materials to construct
14 the structure?

15 MR. LI: Your Honor, objection on foundation.

16 THE COURT: Overruled.

17 You may answer that if you have knowledge
18 of that.

19 THE WITNESS: We did not replace them all.

20 Q. BY MR. HUGHES: Did you ever replace any,
21 if you know?

22 A. Yes, we did. At times when something was
23 not -- was damaged after a sweat lodge ceremony, we
24 will throw it away. And then we would replace it
25 by something new for the next one.

1 Q. And what do you mean by something being
2 damaged?

3 A. The covering -- the blankets that we used
4 were usually used blankets. They don't have
5 terrific long life anymore maybe. So when there is
6 holes falling in or when they tear because they
7 have been behind a stick or something, we would
8 just throw them away and we would replace them by
9 something else.

10 Q. And do you know where the rocks came from
11 that were used -- well, let me ask you this: Did
12 the rocks, if you know, come from the same location
13 for each of the years that you would do sweat lodge
14 ceremonies at Angel Valley?

15 A. All the rocks that have ever been picked
16 for different sweat lodge ceremonies were found
17 along the creek. It's all rocks there. And
18 that's --

19 Q. Can you show us on the map. Was there a
20 particular place that you would gather rocks or
21 have rocks gathered?

22 A. Our landscapers would gather the rocks.
23 And they would find them all over this whole area
24 along the creek. And they would naturally pick
25 them where they were the closest and they didn't

1 have to carry them so far.

2 MR. LI: Your Honor, this is a foundational
3 issue.

4 THE COURT: Sustained.

5 Q. BY MR. HUGHES: Did you see your
6 landscapers gathering rocks?

7 A. I have seen them gathering them. Yes.

8 Q. And where is it that you saw them? And
9 can you tell us what years it is that you've seen
10 your landscapers gathering rocks.

11 A. I can't tell you exactly what -- which
12 year. I have seen it over the years several times.

13 Q. Did you ever see over the years
14 landscapers gathering rocks from a different
15 location than the one you've indicated on the map?

16 A. No. Because there was plenty there.

17 Q. Okay. Turning now directly to 2009, do
18 you recall when it was that the defendant arrived
19 on your property? And if it would help --

20 A. I think October 1st.

21 Q. -- I have what's marked, not admitted,
22 just a calendar, if you will, a blank calendar for
23 October of '09, if that would help you remember
24 what day of the week.

25 A. On October 2nd, on the Friday.

1 Q. Okay. And did he arrive by himself or
2 did he bring people with him on Friday?

3 A. I have not seen how he arrived. He would
4 drive his own car with his personal assistant.
5 There was -- that same day his main staff would
6 arrive. But before that people of his volunteer
7 team would already have arrived. And they would
8 already arrive on the 3rd. And -- and they would
9 do other preparations for the retreat before the
10 group would arrive.

11 Q. And had you and your employees at Angel
12 Valley been doing preparation also in advance of
13 the defendant's arrival at Angel Valley?

14 A. Oh, yeah. A lot.

15 Q. Can you tell us what it is -- what
16 preparation goes into -- or went into in this
17 particular case preparing for the defendant to
18 arrive. And by "preparation," I'm asking what are
19 the physical tasks that were done on the property,
20 not necessarily why you were doing the task.

21 A. Yeah. The -- okay. That is a -- that's
22 a lot. One preparation is to set up the meeting
23 space for them so that they -- they have it ready
24 to go. And we would prepare it upon the
25 instructions that we would receive. how many

1 seats, how the chairs are arranged. We would --
2 the podium, a special chair for the speaker, James
3 in this case.

4 We would put up tables in the back of
5 that room so that any material that James would
6 bring could be presented. There was -- James would
7 also use the Heart Pavilion for his activities. So
8 we would set that up the way we were -- we got
9 information that it -- he wanted it set up.

10 We would set up the -- all the
11 accommodation, which was a lot of extra work
12 because our regular accommodation is less than the
13 size of the group that James would normally bring.
14 So we would set up extra tents. We would have some
15 of the cabins that normally with two beds, we would
16 put in an extra bed. We would bring in extra
17 toilets so that with his larger group everything
18 would run smooth.

19 We would set up by the dining room.
20 Because our dining room capacity is 40ish. But if
21 need be 50ish. But with 70 people the dining rooms
22 aren't big enough. So we would put up a big tent
23 so that people could eat outside. With the good
24 weather that was very doable.

25 Of course, in the kitchen there was lots

1 of preparation a week in advance for a large group
2 like that. We would, of course, put things in
3 motion for the sweat lodge eventually. I would
4 personally always be involved all -- every year in
5 the preparation for the Vision Quest. I would
6 always spend almost two full days going out to make
7 all the sites.

8 Q. Did you mark or tag the site somehow?

9 A. The sites. They were all -- they had to
10 be in the shade. I didn't want them to sit on the
11 rocks. So they would always be under a big tree,
12 not on the rocks, not on the slope, not where it's
13 wet. Not -- if there was an ant hill, I would
14 change it to a different location.

15 They had to be far enough apart so that
16 people would not see each other. And yes. They
17 were instructed to stay in the same place. But --
18 you know -- they were not supposed to see each
19 other. So they had to be out -- far enough apart.

20 And as the groups grew in 2007 and 2008
21 and 2009, especially 2007 and 2008 were large, I
22 had to cover a big territory. Sometimes I found
23 that a place that was good last year was not so
24 good this year anymore because maybe some branches
25 had broken. Oftentimes these are places where the

1 animals come and lay, so I would use these places.

2 And then on the day when the Dream Team
3 members would arrive, then I would go out with
4 them, walk all the sites, make sure that everybody
5 was agree that this was a good site. And then I
6 would make maps so that every site was numbered. I
7 would make a map so that the -- the different
8 sections -- people -- there would be people --

9 The map is still here; right? So --

10 Q. Can you show us on the map where it is
11 that you had the Vision Quest sites in 2009.

12 A. Here was a large area. Here was an -- an
13 area where some people were. Here also a few.
14 Here were a few or several. And then down here,
15 that goes off the map. That would also be.

16 So we would divide the different sections
17 so that different Dream Team people would have --
18 would take out a little group in that evening. And
19 they had to know their area because the people
20 would be set out in the dark. So they had to
21 really be very familiar with the place so that they
22 in the dark could find sites that all had the
23 number on it.

24 Q. And what day of the week, if you recall,
25 did you take the Dream Team members out to show

1 them where the Vision Quest sites were located?

2 A. That was on -- on the day before they
3 would arrive. And I think on this -- at this time
4 it was October 1st.

5 Q. And what day of the week was that?

6 A. That was a Thursday. I hope I have these
7 days exactly correct. But it was the day -- two
8 days before the arrival of the group.

9 Q. And do you recall what day the
10 participants were supposed to start arriving?

11 A. On Saturday -- Saturday night.

12 Q. Okay. And you mentioned that the
13 defendant arrived on Friday?

14 A. Yeah.

15 Q. And is it your recollection, then, that
16 the Dream Team members or some of them arrived the
17 day before Mr. Ray?

18 A. All the Dream Team members were there
19 before Mr. Ray was there.

20 Q. And let me ask you. You mentioned that
21 tents were set up. Can you -- and let me clear out
22 these marks on the map. Can you show us where the
23 tents were set up and if you remember how many
24 tents.

25 A. In this area -- I'm sorry. In this area,

1 that is an area under the trees along the trail
2 over there -- you know -- opposite the cabins.
3 That's where we had made nice, flat tent sites.
4 And we had a -- in 2009, we had, I think, six tents
5 there for each. Six or seven. Each had tent two
6 beds in there.

7 Q. And can you tell us about how big the
8 tents were.

9 A. The tents were 10-by-10 I think.
10 10-by-10 or 12-by-12.

11 Q. Were the tents something that were used
12 every year at Angel Valley, or did you rent these
13 tents?

14 A. No. We had bought them.

15 Q. Okay. And where were the tents stored
16 when they weren't being used?

17 A. Oh. They were over here. You see that
18 brown square? That is -- that's -- we use that
19 building for storage of any furniture or any pieces
20 that we do not use all the time. The tents were in
21 there.

22 Q. You mentioned that you had set up tents
23 along this pathway. Are there bathroom facilities
24 over in that area also?

25 A. The -- well, normally we would have in

1 the bathrooms -- in the bathhouses two people per
2 bathroom. We would now have more people per
3 bathroom, and we would place extra toilets. We
4 would rent extra toilets here. And I don't know
5 exactly which year we -- we rented how many
6 toilets, where we exactly placed them.

7 Q. These cabins that you've shown us in this
8 area -- do they have bathrooms in them?

9 A. These do not.

10 Q. Okay.

11 A. These -- the occupants of these cabins go
12 into these two bathrooms.

13 Q. And do these cabins that you've shown us
14 in that area -- do they have running water in the
15 cabins?

16 A. No.

17 Q. You mentioned -- or I think you're
18 implying that some cabins did have the bathrooms or
19 running water. Can you show us which cabins had a
20 bath or running water in them.

21 A. Here in the -- in the Orange House we
22 have full bathrooms here. Those rooms here at
23 the -- at the end of the dining room, we have --
24 and I'm not -- and I'm not sure whether we used
25 them for -- yeah. We did.

1 In -- we have -- we have a room here in
2 this one office building. And we have also used
3 that year in 2009 the two healing rooms that are
4 here in the Lighthouse. We used them to -- for --
5 for staff of James Ray to stay.

6 Q. And can you recall where Mr. Ray stayed
7 that week?

8 A. He stayed in the last room that is here
9 at the end behind the dining room.

10 Q. And is that a room that's built into this
11 Yellow House?

12 A. Yes.

13 Q. And can you tell us where the meals were
14 served during the week of 2009 Spiritual Warrior.

15 A. Okay. The meals -- the meals were served
16 in the dining room. So this -- no. This part is
17 the dining room. We have the dining room, one
18 guest room, a serving room, and a kitchen in this
19 block. And that's where the -- the meals were
20 served.

21 And then people could sit either inside
22 or on the terrace or in this extra tent that we had
23 set up.

24 Q. And were mealtimes -- did -- did people
25 all eat at the same time, or could they come and go

1 during the day to have, for example, lunch or to
2 have dinner?

3 A. Not for the main meals. The main meals
4 are exactly on time. People could come into the
5 dining room to pick a snack or to drink or
6 something, but not for the main meals. Main meals
7 were all eaten together.

8 Q. And how were snacks and drinks dispensed
9 that week in the dining hall?

10 A. We have -- there is a counter that has
11 containers with drinks and containers with snacks.
12 And these were the things that were all requested
13 by James's staff beforehand. So then our chef and
14 James Ray's staff would go over the meals and what
15 snacks they wanted. And we would keep an eye on
16 whether the snacks remained filled so that people
17 could take it when they needed it.

18 Q. And can you tell us what role you were
19 playing now in 2009. You mentioned what you had
20 done before Mr. Palisch came and what you did while
21 he was there. Tell us what role you were playing
22 during that week of 2009.

23 A. In 2009 I was supervising everything. I
24 was -- of course, I was doing the Vision Quest, as
25 I said, which I had done every year. But I was

1 coordinating, helping -- assisting with the guest
2 coordinator. I was supervising the kitchen. I was
3 supervising the housekeeping.

4 I was supervising the whole thing
5 because -- well, every year. But in 2009 maybe
6 even more so.

7 We -- we always wanted to make James's
8 retreat, but anybody's retreat, the most successful
9 it could possibly be for the part that we were
10 contributing.

11 Q. And can you tell us what role Michael,
12 your husband, was doing that week.

13 A. That week he was -- he was mainly
14 continuing doing the things that he's working on.
15 He was not so involved with the group. He had
16 been -- beforehand he would -- before they arrived,
17 he would be communicating. But during the week he
18 was not so involved in the -- in the daily going
19 on.

20 Q. And do you remember when it was that the
21 coverings were first placed on the sweat lodge that
22 week?

23 A. On Wednesday.

24 Q. And do you remember who put the coverings
25 on?

1 **A. Ted and Debbie Mercer.**
 2 **Q.** And then moving specifically to the day
 3 of the sweat lodge ceremony, do you recall when
 4 participants started arriving down at the lodge
 5 itself?
 6 **A. They arrived there around quarter past**
 7 **2:00.**
 8 **Q.** And how is it that you know about when
 9 they were arriving?
 10 **A. Because I had been -- I had just been**
 11 **doing a final check a little after 2:00, because I**
 12 **knew they would be coming any minute. Just a final**
 13 **check whether everything was okay. Checked with**
 14 **Ted and Debbie, is the fire going well? Yes. Are**
 15 **you ready for them to come? And yes.**
 16 **Everything -- everything was good.**
 17 **Q.** And by your check, did you walk or -- or
 18 maybe take a golf cart, then, down to the sweat
 19 lodge?
 20 **A. I would not only move around the property**
 21 **in my golf cart. Yes. And then when I am there in**
 22 **a place where I want to check more than just from**
 23 **my seat, then I walk.**
 24 **Q.** Can you give us an idea on this map --
 25 and I realize it's not to scale. But can you give

1 us an idea of the distances from -- that some of
 2 the items on the -- on the map are depicted. How
 3 far apart are things on this property?
 4 **A. You mean driving? You mean in distance**
 5 **or in time?**
 6 **Q.** In other words, are we looking at -- say,
 7 from the sweat lodge to the Crystal Hall, is that
 8 100 feet? Is it a mile? What -- what sort of
 9 distances are we talking about?
 10 **A. Oh, I'm still not too good at American**
 11 **measures. But not a mile.**
 12 **Q.** If you can't measure it, that's fine too.
 13 Just don't give it in kilometers because then I
 14 would -- but is it --
 15 **A. It's just a few minutes.**
 16 **Q.** Okay. And as far as the lay of the land
 17 itself, is there -- is there a slope, or is
 18 everything level on this property?
 19 **A. No. We -- we -- the creek is going**
 20 **there. And from the creek it just kind of gently**
 21 **slopes up. And then the further you go up, the --**
 22 **the more it starts to slope.**
 23 **Q.** Is this area, then, a higher elevation
 24 than this area down here?
 25 **A. Oh, yeah.**

1 **Q.** So, in other words, if there is a slope,
 2 it's kind of going down in that direction?
 3 **A. Yes.**
 4 **Q.** Okay.
 5 **A. Yes.**
 6 **Q.** And so tell us, then, what you saw when
 7 you first came down that afternoon to check on the
 8 sweat lodge to make sure everything was -- was up
 9 to par.
 10 **A. When I came just a little after 2:00 in**
 11 **this sweat lodge area -- and I had been there**
 12 **earlier around noontime also. By 2:00 o'clock, not**
 13 **only was the sweat lodge ready to go, but the fire**
 14 **was -- they had the stones hot. They had -- there**
 15 **was a canopy standing next to -- it had been set up**
 16 **next to the sweat lodge. The drink had been**
 17 **brought in. The -- the fruit was being brought in,**
 18 **so it was everything. The chairs were there. The**
 19 **baskets with the towels were there. The hoses were**
 20 **there. There was tarps on the ground. Everything**
 21 **was just ready.**
 22 **Q.** And could you see who was working down
 23 there?
 24 **A. At that moment Ted and Debbie were there,**
 25 **and I think our land landscaper Rotillo was also**

1 **there because he was helping with the fire. And I**
 2 **don't remember whether I at that moment saw Ted and**
 3 **Debbie's daughter already there. But later she was**
 4 **there.**
 5 **Q.** Do you recall how many fires were burning
 6 down there?
 7 **A. When I was there, the fire that -- at**
 8 **that moment was burning was the main fire where**
 9 **they heated the rocks. And then there was this**
 10 **little fireplace ready to be lit to the side a**
 11 **little bit more away from the sweat lodge. That**
 12 **would be lit. I knew that that would be lit for**
 13 **the little preceremony that James would be doing**
 14 **with his group over in that location.**
 15 **Q.** And could you see what wood was being
 16 burned in the fire?
 17 **A. In the main fire you mean?**
 18 **Q.** Yes.
 19 **A. That were logs.**
 20 **Q.** And could you see what wood was being
 21 burned in the little fire or was set up to be
 22 burned?
 23 **A. In the little fire they had some little,**
 24 **smaller planks. And maybe they had a lot too. But**
 25 **for a little fire, if you want to have that lit,**

1 **the logs were a little big to put on the small fire**
 2 **that you have just a little while. But they --**
 3 **they had some little smaller planks.**

4 **Q.** You said planks. Can you -- could you --
 5 do you recall if the wood was natural, like from a
 6 tree. Or was it -- did it appear like it was from
 7 a hardware store?

8 **A. Both.**

9 **Q.** Okay. And I think I asked you this.
 10 Was -- was Sarah Mercer down there at that time?

11 **A. I don't remember that she was there at**
 12 **that time. Afterwards I for sure know that she was**
 13 **there.**

14 **Q.** And how long did you stay down at that
 15 location?

16 **A. I was there about probably 10 minutes --**
 17 **5 or 10 minutes. Then I left.**

18 **Q.** And do you recall -- while you were down
 19 there, you mentioned that some refreshments were
 20 being set up. What did you see as far as that?

21 **A. In the -- in the canopy we had these**
 22 **containers, these five-gallon containers, with**
 23 **water and lemon water and electrolyte water. They**
 24 **were all standing on the tables. Cups.**

25 **And then at that -- in that period or**

1 **maybe a little afterwards, the fruit would be**
 2 **brought in. We would keep the fruit as long as**
 3 **possible in the kitchen, in the refrigerator. But**
 4 **when the fruit was ready to go, it was brought over**
 5 **in these big dishes with metal lids that we use in**
 6 **the kitchen normally.**

7 **Q.** And, ma'am, I'm sure I'll ask you some
 8 more questions, but I realize it's noon.

9 Your Honor, would this be a good time to
 10 break?

11 THE COURT: Yes. Yes. Thank you, Mr. Hughes.

12 Members of the jury, we will take the
 13 noon recess at this time. Remember the admonition,
 14 please. Be reassembled at 1:30 as usual.

15 And, Ms. Hamilton, again, remember the
 16 rule of exclusion. And you are excused at this
 17 time as well.

18 And we are in recess.

19 (Recess.)

20 THE COURT: The record will show the presence
 21 of the defendant, Mr. Ray; the attorneys, and the
 22 jury. And Ms. Hamilton is back on the witness
 23 stand.

24 Mr. Hughes.

25 MR. HUGHES: Thank you.

1 **Q.** Mrs. Hamilton, I think we had left off --
 2 just before lunch you were telling us your
 3 recollections of the refreshment center being set
 4 up down at the sweat lodge. Do you recall who was
 5 setting up the -- the refreshments in that
 6 refreshment center?

7 **A. Fawn Foster, our housekeeper.**

8 **Q.** And how long all together did you stay
 9 down there while that was going on? In other
 10 words, while the -- you mentioned that you went
 11 down and you saw the fire burning and Fawn setting
 12 up the refreshments. Did you stay down there
 13 permanently, or did you leave at that point and go
 14 somewhere else?

15 **A. At that point I was there about five**
 16 **minutes. And then I left and came back soon.**

17 **Q.** Okay. And approximately -- do you
 18 remember what time in the day you returned?

19 **A. I was back at 2:25.**

20 **Q.** And I guess I -- maybe I misunderstood.
 21 The first time that you were down there, what time
 22 of the day was that?

23 **A. That was in the afternoon. A little**
 24 **after 2:00 o'clock.**

25 **Q.** Okay. And so how long were you gone,

1 then, when you -- until you returned?

2 **A. About 20 minutes.**

3 **Q.** Okay. And what, if anything, did you
 4 observe when you returned around 2:25?

5 **A. When I returned, the group had completed**
 6 **their ceremony to the site in the little fire. And**
 7 **they were walking over towards the canopy where the**
 8 **drinks and the fruit was. And they formed a line**
 9 **so that they could enter the sweat lodge.**

10 **Q.** And how long did you stay down on this
 11 occasion?

12 **A. On that -- on that occasion I stayed**
 13 **there about half an hour.**

14 **Q.** And what were you doing while you were
 15 down there?

16 **A. I sat down by a tree in the shade, and I**
 17 **watched.**

18 **Q.** And did you, then, observe the
 19 participants actually going inside?

20 **A. I observed the participants going inside.**

21 **Q.** Did you take some photographs while you
 22 were down there?

23 **A. I did.**

24 **Q.** I'm going to show you what's already been
 25 admitted as Exhibit 143 and ask if you recognize

1 that photograph?

2 **A. I do.**

3 **Q.** And what is it you recognize about this

4 photograph?

5 **A. That's the photograph I took as I was**

6 **sitting there by these trees. And I took that of**

7 **the group as they were entering the sweat lodge.**

8 **Q.** And turning, then, to Exhibit 144, do you

9 recognize that photograph?

10 **A. I do. I do.**

11 **Q.** And what, if anything, do you recognize

12 about that photograph?

13 **A. That was just taken a few minutes later**

14 **of the same vision, the same happening.**

15 **Q.** Were you in the same spot, or had you

16 moved in a little closer?

17 **A. No. I was in the same spot. I had my**

18 **camera zoomed in a little more.**

19 **Q.** Okay. And showing you Exhibit 145, do

20 you recognize that photograph?

21 **A. I recognize that photograph too.**

22 **Q.** And what is it you recognize about

23 Exhibit 145?

24 **A. I took it.**

25 **Q.** And do you recall at what point in the

1 day or what point during the ceremony you took

2 Exhibit 145?

3 **A. After the people had entered, I left**

4 **where I was sitting and I walked over closer to the**

5 **sweat lodge. And I took this photo from over the**

6 **fire to the sweat lodge that had at that time**

7 **begun. The door was closed, and it had started.**

8 **Q.** Do you remember what round this

9 photograph would have been taken after?

10 **A. That was the very -- very first round.**

11 **Q.** Okay. And then showing you Exhibit 146,

12 do you recognize that photograph?

13 **A. I took that too.**

14 **Q.** And at what point during the ceremony was

15 Exhibit 146 taken?

16 **A. That was a few moments after the other**

17 **one was taken. I walked around to the west side of**

18 **the sweat lodge, and this is the photo I took.**

19 **Q.** Okay. And then Exhibit 147. Do you

20 recognize that photograph?

21 **A. Yes.**

22 **Q.** And what is it about 147 that you

23 recognize?

24 **A. I took that too.**

25 **Q.** And can you tell us which round it was

1 taken during.

2 **A. Still the first round.**

3 **Q.** And can you tell us why it is that you

4 decided to take photographs at all on that

5 afternoon.

6 **A. No logical reason.**

7 **Q.** Do you -- is that something that you have

8 typically done when other groups have been present?

9 **A. No. Normally I do take a lot of**

10 **photographs around Angel Valley, but usually when I**

11 **am at my leisure and not normally when I am in**

12 **action. Because then I usually forget to take a**

13 **camera with me.**

14 **Q.** And you mentioned when you were in

15 action. Were you doing anything during the first

16 round?

17 **A. Well, in action, I mean during that**

18 **entire retreat, I was very much in a supervising**

19 **role. And that is normally not my -- my way of**

20 **taking photographs. I do that more in my free**

21 **time, so to speak.**

22 **Q.** Do you carry a camera around with you on

23 the property?

24 **A. Not normally.**

25 **Q.** Now, turning back to the photograph of

1 the participants lining up, do you recall how long

2 it took for everybody to go inside?

3 **A. About 10 minutes.**

4 **Q.** And do you recall whether there was any

5 instruction by the defendant to the participants

6 about what they'd be experiencing inside or how to

7 go inside, anything along those lines?

8 **A. I didn't hear anything. I was too far**

9 **away.**

10 **Q.** And do you know at what point it is,

11 then, you moved from the location you told us about

12 where you were a little distance away behind the

13 trees to when you moved in closer towards where the

14 actual ceremony was taking place?

15 **A. When everybody was inside and they**

16 **started to close the door, I came closer.**

17 **Q.** And what did you -- were you standing?

18 Were you sitting?

19 **A. I was -- other than walking to take the**

20 **pictures, I was also sitting on this log that is --**

21 **well, you don't see it here. But a little bit this**

22 **way, there is a -- yeah.**

23 **Q.** Is this -- let me find it and show you --

24 **A. Yes.**

25 **Q.** -- Exhibit 144. Do you see the log you

1 were talking about in that photograph?
 2 **A. Yes, I do.**
 3 **Q.** And can you point it out for us.
 4 **A. That's the one.**
 5 **Q.** And do you have an idea -- and we may
 6 have gone there, distances, earlier. Do you have
 7 an idea of distance of how far that log was from
 8 the door to the sweat lodge?
 9 **A. 12 to 15 feet.**
 10 **Q.** And can you tell us about how long you,
 11 then, sat on that log?
 12 **A. About -- about five minutes. I was**
 13 **sitting next to Fawn. Fawn was sitting there too.**
 14 **We were sitting side by side there for a little**
 15 **bit.**
 16 **Q.** Do you know how long the first round
 17 lasted?
 18 **A. I left before the first round was over.**
 19 **Q.** And why is it that -- that you left
 20 before the first round was over?
 21 **A. In the first place, because there was**
 22 **nothing much for me to do. In the second place,**
 23 **because what I heard was being said in the sweat**
 24 **lodge didn't resonate with me, so I had no**
 25 **fascination of staying around.**

1 **Q.** Could you hear people inside the sweat
 2 lodge speaking?
 3 **A. Yes.**
 4 **Q.** Could you hear the defendant inside the
 5 sweat lodge speaking?
 6 **A. Yes.**
 7 **Q.** And is there something that you heard
 8 during the first round that, as you said, didn't
 9 resonate with you?
 10 MR. LI: Objection. Relevance.
 11 THE COURT: Overruled.
 12 THE WITNESS: The one thing I heard that did
 13 resonate with me was that he asked to be guided
 14 through the ceremony with the spirit guides. What
 15 did not resonate with me was when I heard, I am the
 16 alpha and the omega. I am God. And that was more
 17 than I felt comfortable with.
 18 So I left the ceremony for what they were
 19 doing, and I did not feel comfort being part of
 20 that.
 21 **Q.** And do you know how far into the sweat
 22 lodge ceremony, it's the first round it was, and
 23 that you left the area?
 24 **A. It must have been some 10 minutes.**
 25 **Because I left before the first round was over.**

1 **And I had taken the pictures around. I had sat**
 2 **with Fawn for a little bit, and then I left.**
 3 **Q.** And do you recall how many rocks -- did
 4 you take note of how many rocks were brought in for
 5 the first round?
 6 **A. I did.**
 7 **Q.** And do you recall how many, then, were
 8 taken in?
 9 **A. My recollection is about 12.**
 10 **Q.** And where did you wind up going after you
 11 left the area?
 12 **A. Since I was there and having my camera**
 13 **with me, I decided to go up the road and take photo**
 14 **from a distance. And then I went to the Crystal**
 15 **Hall and took some pictures. Then I had a feeling**
 16 **to take some pictures of this occurrence.**
 17 **Q.** You mentioned taking some photos from a
 18 distance. I'm going to show you Exhibit 141.
 19 **A. Yeah.**
 20 **Q.** Is that one of the photos you took from a
 21 distance?
 22 **A. Yes.**
 23 **Q.** And one thing I wanted to ask which --
 24 which I neglected to ask earlier about Exhibit 141,
 25 to the right of this sweat lodge -- would you agree

1 with me the sweat lodge is where I made a mark?
 2 **A. Yes.**
 3 **Q.** Okay. Can you tell us, then, if you
 4 would -- I had asked you about this area back in
 5 here. Can you tell us -- I'm going to remove that
 6 mark so I don't make this too confusing. Can you
 7 tell us what is depicted over in that area.
 8 **A. Over that between the trees, we had some**
 9 **storage of some lumber that was left over from**
 10 **construction. And that -- and that was covered**
 11 **with tarps, as you can see.**
 12 **Q.** Do you know whether any of that leftover
 13 construction wood was used for the ceremony in 2009
 14 Spiritual Warrior?
 15 **A. Yes, it was.**
 16 **Q.** And can you see that wood in this
 17 photograph?
 18 **A. It looks -- it looks like -- no. If you**
 19 **go to the right. Maybe it's the other way. It**
 20 **looks like these are logs. And we were using**
 21 **logs -- we had a pile of these logs that we used**
 22 **during the ceremony that had been -- had been**
 23 **stored in that area.**
 24 **Q.** And do you know, then, approximately when
 25 during the ceremony this Exhibit 141 was taken?

1 **A. Oh. The photo was taken at a few minutes**
2 **after 3:00, five after 3:00 or so.**

3 **Q. And how is it you know the time?**

4 **A. Because when I had loaded the photos into**
5 **my computer, it registered the time that it -- the**
6 **photo was taken. And the camera I used had the**
7 **time exact.**

8 **Q. Now, I noticed in some of the photos we**
9 **talked about earlier, the time stamp you said was**
10 **not accurate?**

11 **A. That was a different camera.**

12 **Q. Okay.**

13 **A. And that was three years before.**

14 **Q. Can you tell us -- on this photograph**
15 **over in the right-hand side of the photo, there is**
16 **some additional item over in there. Can you tell**
17 **us what's depicted in there.**

18 **A. Those are poles of teepees. I shared**
19 **before that we had had teepees, which we had had**
20 **more teepees than the two that we still had up**
21 **in 2009. We had not sold all the teepees.**
22 **Those -- these long lines that you see here, those**
23 **are teepee poles that are stacked there. They were**
24 **never laying together with construction wood**
25 **because teepee poles are teepee poles.**

1 **Q. And after you left, then, and took these**
2 **photographs from up on the road, what was the**
3 **next -- what was your next involvement with the**
4 **sweat lodge ceremony?**

5 **A. The next involvement with the ceremony**
6 **was when I came down at about a quarter to 5:00 and**
7 **the ceremony was still going.**

8 **Q. And what, if anything, did you observe**
9 **when you arrived around a quarter to 5:00?**

10 **A. The first thing I did was asking people**
11 **which round they were in.**

12 **Q. Did you see any people outside?**

13 **A. There were people outside.**

14 **Q. And tell us, if you would, what you saw**
15 **as far as people outside.**

16 **A. There were -- to begin with, they were**
17 **the same people outside that were assisting. But**
18 **there were also people outside. They were just**
19 **laying on the ground. And it was very hard to see**
20 **for me what condition they were in. But they**
21 **were --**

22 **Q. What do you mean it was hard for you to**
23 **see their condition?**

24 **A. Because they were just laying still.**
25 **They were not interacting with anybody. So I**

1 **didn't know whether they were just resting or**
2 **whether they were feeling bad.**

3 **Q. Did you -- did you try and talk to any of**
4 **those participants?**

5 **A. Not with the participants.**

6 **Q. Okay. Who did you talk to to try and**
7 **find out the round?**

8 **A. Yes. I asked the -- the people who were**
9 **doing the fire, and I asked Fawn. And I --**
10 **somebody said, it's the sixth round. Other people**
11 **said it was the seventh round. And I thought that**
12 **is strange. Why is there a difference?**

13 **Q. Do you know who told you it was the sixth**
14 **and who told you it was the seventh?**

15 **A. No.**

16 **Q. And did -- did anyone tell you it was the**
17 **eighth round?**

18 **A. Nobody told me it was the eighth round --**
19 **eighth round.**

20 **Q. Okay. And you said you talked to the**
21 **Mercers and -- well, you didn't say that. Do you**
22 **know who the people were who were running the fire?**

23 **A. I did.**

24 **Q. And who -- who was running the fire?**

25 **A. Ted and Debbie Mercer.**

1 **Q. Okay. And do you know whether their**
2 **daughter was down there at that point?**

3 **A. Yes.**

4 **Q. Okay. And was Fawn still down there?**

5 **A. Yes.**

6 **Q. And where was Fawn?**

7 **A. Fawn was sitting on the -- oh. Yeah. On**
8 **this log here.**

9 **Q. And did you -- what did you observe, if**
10 **anything, about Fawn?**

11 **A. She was sitting in a very -- you know --**
12 **very much by herself way. So I sat down next to**
13 **her and I asked how she was doing. And I wasn't**
14 **sure whether she was in a meditative state or**
15 **whether she was -- whatever was going on.**

16 **And I -- she didn't immediately respond.**
17 **And then she kind of looked at me and she said,**
18 **Amayra, something is really wrong here. This is**
19 **not right. And I just kind of, oh. And she was so**
20 **totally upset. This is not right, she kept saying.**
21 **This is not right. Something is wrong. And -- and**
22 **then she -- and then I said, What happened? What's**
23 **going on? What happened? And then she shared**
24 **something that she had heard.**

25 **MR. LI: Objection. Hearsay.**

1 MR. HUGHES: May I lay some additional
2 foundation, Your Honor?
3 THE COURT: Yes.
4 Q. BY MR. HUGHES: You mentioned that she
5 appeared upset. Did -- did --
6 A. Uh-huh.
7 Q. -- did she -- would you -- how would you
8 characterize that she was upset?
9 A. Well, when somebody is upset, a person
10 can get emotional. But when somebody is real
11 upset, they get really emotional.
12 Q. Did Fawn appear to be really emotional?
13 A. Yeah.
14 Q. Did Fawn say something to you that
15 explained why she was really emotional?
16 A. She did.
17 Q. And what is it that she told you?
18 MR. LI: Objection. Hearsay.
19 MR. HUGHES: Your Honor, I believe it's an
20 excited utterance.
21 THE COURT: Counsel, I need to see you.
22 Counsel, please.
23 Again, ladies and gentlemen, please feel
24 free to stand and stretch when we have these -- if
25 we have a conference like this.

1 (Sidebar conference.)
2 THE COURT: Mr. Hughes, what do you anticipate
3 is going to be?
4 MR. HUGHES: Your Honor, I believe that Fawn
5 is going to -- that Fawn said something along the
6 lines of that she had overheard that people were
7 unconscious inside and that Mr. Ray had the door
8 closed and continued with the round.
9 MR. LI: That's hearsay, Your Honor, and
10 that's actually extraordinarily prejudicial. It's
11 exactly the issue we were arguing about when
12 Ms. Polk was asking questions of Debbie Mercer to
13 exactly what was said inside this. She has no idea
14 what Ms. Foster said. If Ms. Foster wanted to
15 testify about what she said, she could have
16 testified.
17 THE COURT: She did testify about what she
18 said.
19 MR. LI: So she's already testified. But she
20 didn't say people were unconscious. And also this
21 is classic hearsay. It is literally being offered
22 for the truth of the matter.
23 MR. HUGHES: I believe it's an excited
24 utterance, which is a well-accepted exception to
25 the hearsay rule.

1 MR. LI: It's also inadmissible under 403.
2 This is not an excited utterance. And also this is
3 classic hearsay. This witness is being offered to
4 testify about what another witness said about what
5 she observed. Your Honor, this is a critical
6 point.
7 THE COURT: Mr. Li.
8 MR. LI: Sorry.
9 THE COURT: I mean go ahead. I don't want to
10 cut you off in making a record if you have
11 additional record to make.
12 MR. LI: I appreciate it. If I may make a
13 record. It is a critical point that's highly
14 disputed in this case. It was a subject of a lot
15 of arguing with respect to what testimony Ms. Polk
16 was soliciting from Debbie Mercer and from Fawn
17 Foster. And having this other person testify about
18 what she heard someone else say she heard is
19 classic hearsay. It's also 403.
20 THE COURT: It's offered as an excited
21 utterance. As to foundation, I'm going to sustain
22 at this time.
23 Mr. Li, I'm looking at the excited
24 utterance exception. Thank you.
25 Sustained as to foundation at this point.

1 (End of sidebar conference.)
2 THE COURT: Mr. Hughes.
3 MR. HUGHES: Thank you.
4 Q. Mrs. Hamilton, we were discussing your
5 conversation with Fawn Foster. You said she was
6 very emotional. Did she -- did her demeanor appear
7 normal or did it appear excited?
8 MR. LI: Objection. Leading.
9 THE COURT: Sustained.
10 Q. BY MR. HUGHES: How would you classify
11 her demeanor?
12 A. She was -- she was upset about something
13 that affected her very deeply.
14 Q. And were you able to ascertain based on
15 your conversation with her whether what she was
16 upset about was something that had recently
17 happened?
18 MR. LI: Objection. Leading.
19 THE COURT: Overruled.
20 THE WITNESS: It was most of all what she had
21 been observing all afternoon and in particular what
22 she had heard --
23 MR. LI: Objection. Move to strike as
24 nonresponsive, no foundation.
25 THE COURT: Sustained.

1 MR. LI: Your Honor, if I may approach.
 2 THE COURT: Yes.
 3 (Sidebar conference.)
 4 MR. LI: This is exactly the problem. The
 5 state is just fishing around for her to eventually
 6 say something, blurt out something. And the
 7 foundation hasn't been laid. This is not -- it is
 8 classic hearsay. It is also 403. This is being
 9 offered for the truth of the matter asserted. And
 10 we are on such dangerous ground.

11 MR. HUGHES: Your Honor, if I can respond.
 12 I'm not fishing around. I'm trying to lay
 13 foundation for an excited utterance, not hoping
 14 that she's going to blurt out. And, quite
 15 honestly, the witness hasn't said what Fawn has
 16 told her. But I think it's appropriate for me to
 17 lay a foundation that this is an excited utterance.

18 MR. LI: With all due respect, Your Honor, she
 19 keeps trying to say what she wants to say. She
 20 keeps on saying it was based on something I
 21 heard that she was about to say. It's laying in
 22 the jury's mind the idea that there is some
 23 horrible thing that she's just dying to tell them.
 24 This is improper.

25 THE COURT: The excited utterance is a

1 well-recognized exception, Mr. Li.

2 MR. LI: It's for things like who did it.
 3 It's not classic things of hearsay of what another
 4 witness says they observed. Your Honor, this is
 5 classic hearsay. Your excited utterance is, oh, my
 6 God. The car that drove by was red.

7 This is a situation where the state is
 8 attempting to elicit from this witness what another
 9 witness said she observed.

10 THE COURT: And the other -- well, the excited
 11 utterance is -- that's what happens. It's what
 12 another witness observes.

13 MR. LI: And I apologize. I misspoke. It's
 14 not whether or not what another witness observed.
 15 It's what another witness heard someone else to
 16 say. And there has been so much testimony about
 17 this, Your Honor, and there has been great
 18 imprecision about the words being used.

19 THE COURT: And there is really -- in terms of
 20 the timing and lots of questions, it hasn't come up
 21 with timing and through the whole afternoon. And
 22 that would speak against excited utterance. This
 23 is -- it's not directly in the Sixth Amendment
 24 area. But it's this hearsay area that is
 25 particularly dangerous.

1 So sustained.

2 MR. LI: Thank you, Your Honor.

3 (End of sidebar conference.)

4 THE COURT: Mr. Hughes.

5 MR. HUGHES: Thank you.

6 Q. Mrs. Hamilton, after speaking with Fawn
 7 Foster, what did you do next?

8 A. **Because she was sharing with me and**
 9 **she --**

10 MR. LI: Objection, Your Honor. Move to
 11 strike.

12 THE COURT: Sustained.

13 Q. BY MR. HUGHES: Mrs. Hamilton --

14 THE COURT: Granted.

15 Go ahead, Mr. Hughes.

16 Q. BY MR. HUGHES: I'm not -- I'm not asking
 17 you what -- at this point I'm not asking you what
 18 Ms. Foster told you. What did you do after
 19 speaking with Ms. Foster?

20 A. **I took her apart from the -- from the**
 21 **log. I said, Fawn, come with me behind the canopy.**
 22 **Because I was afraid that our conversation might**
 23 **disturb people who were around there or possibly**
 24 **the ceremony. I didn't want that to happen.**

25 MR. LI: Objection. Move to strike as

1 narrative, Your Honor.

2 THE COURT: Overruled.

3 THE WITNESS: So I took her apart and I held
 4 her in my arms. And I asked her to breathe so that
 5 she could calm her body down. And I said, Fawn,
 6 if -- if what you saying is true, then -- you
 7 know --

8 MR. LI: Objection. Move to strike,
 9 Your Honor --

10 THE COURT: Overruled.

11 MR. LI: -- as narrative.

12 THE COURT: Overruled.

13 THE WITNESS: Then the people will need us
 14 when they come out. So let's -- calm yourself
 15 down, please, if you can.

16 Q. BY MR. HUGHES: And how long were you
 17 down there, then, before people -- did -- did -- at
 18 some point, were -- did you stay down there when
 19 that round ended?

20 A. **I stayed down when the round ended.**

21 Q. And do you recall how long you were down
 22 there until that round ended?

23 A. **What I just shared with you happened**
 24 **during the last round. I arrived right before the**
 25 **one was the last round ended. After that when the**

1 **door had opened and had closed, then I sat down**
2 **with Fawn and had this interaction.**

3 **Q.** And to make sure I understand, you
4 arrived down before the beginning of what you later
5 learned was the last round?

6 **A. Yes.**

7 **Q.** And the conversation, then, that you had
8 with Fawn was during the last round?

9 **A. Yes.**

10 **Q.** And how is it that you knew that that was
11 the last round?

12 **A. At that -- at that point I expected it to**
13 **be the last round. And then it turned out to be**
14 **the last round.**

15 **Q.** Did you see -- did you see anybody exit
16 the lodge, then, when that round ended?

17 **A. The one with the last round, yes.**

18 **Q.** And I'm referring now specifically when
19 you arrived down, you were present before the door
20 closed for the last round?

21 **A. I was.**

22 **Q.** And did you see anybody leaving while the
23 door was open?

24 **A. I did.**

25 **Q.** And can you tell us who it is that you

1 saw leaving?

2 **A. I do not know who because I didn't know**
3 **any of their names.**

4 **Q.** Can you tell us a description of how many
5 people it was. Were they men or women as far as
6 the people that you saw leaving in that
7 intermission before the final round?

8 **A. A few people came out. A few people went**
9 **back in. The people who came out didn't seem to**
10 **feel very well.**

11 **Q.** And what is it that makes you believe
12 that?

13 **A. Because if a person exits a sweat lodge**
14 **and they feel good, they stand up and walk away.**
15 **And these people could not walk away.**

16 **Q.** What is it that made you believe that
17 people leaving in the intermission before the last
18 round could not walk away?

19 **A. Because they needed help to be taken away**
20 **from the door, and then they would lay down.**

21 **Q.** Could you see who was helping them move
22 from the front door?

23 **A. The people from the Dream Team.**

24 **Q.** Did you see anything else about the
25 people leaving during that intermission that led

1 you to believe that they weren't doing well?

2 **A. People had -- people were just totally**
3 **uncomfortable, were not breathing properly and --**

4 **MR. LI: Objection. Move to strike.**

5 **Speculation.**

6 **THE COURT: Sustained as to foundation.**

7 **Q. BY MR. HUGHES: And can you tell us what**
8 **it was that made you believe they were not**
9 **breathing properly.**

10 **A. When people kind of start coughing and**
11 **kind of throwing up. And that's not giving me the**
12 **feeling that they are breathing comfortably.**

13 **Q.** How long, then -- from the time that
14 intermission ended and the final round began, how
15 long did that final round last?

16 **A. Maybe a little over 10 minutes.**

17 **Q.** Do you know how many rocks were brought
18 in for that final round?

19 **A. No.**

20 **Q.** And do you know about what time of the
21 day the final round ended?

22 **A. It is my estimation that it was a little**
23 **after 5:00. I did not wear a watch. And it was**
24 **just about 5:00 o'clock.**

25 **Q.** And at the end of the final round, did

1 you see people leave the sweat lodge?

2 **A. Yes.**

3 **Q.** Can you describe what it is you saw at
4 the end of the final round.

5 **A. Total chaos.**

6 **Q.** What do you mean by that?

7 **A. People came out. They had to be taken**
8 **away so that the next person could come out. And**
9 **they did not -- they could not walk away. They had**
10 **been -- some had to be dragged out.**

11 **Q.** How did -- how did you see people being
12 dragged?

13 **A. There was people of the Dream Team and**
14 **people who were kind of fit to do something helped**
15 **other people out. Other people that came out of**
16 **the sweat lodge were also helping their buddies**
17 **coming out. And people were just collapsing left**
18 **and right all over the place. It was -- it was the**
19 **most horrible thing I've ever seen.**

20 **Q.** Do you recall -- and where were you when
21 you were observing people leaving?

22 **A. I was in the -- in this area here still**
23 **by the -- first. But then very soon I started --**
24 **because people -- the people needed help. So I**
25 **started bringing towels to people, bringing water.**

1 **People who could sit on a chair I put them on a**
 2 **chair. People who were laying down, to help them**
 3 **to lay on the tarp rather than on the sand. But**
 4 **there were so many people not feeling well. And**
 5 **there were -- yes. There were helpers, but there**
 6 **was not enough.**

7 **Q.** You mentioned you were bringing towels.
 8 Why is it that you were bringing towels to people?

9 **A.** Well, we had -- maybe if we have -- if we
 10 **have this photo here. You see these white baskets**
 11 **over there? We had these -- these baskets filled**
 12 **with towels for the people for when they would come**
 13 **out of the lodge. We had two towels for each**
 14 **person. And -- and the people who came out,**
 15 **they -- well, they -- they might have known that.**
 16 **But they -- they didn't pick them up. They were**
 17 **not -- they -- they didn't look for the towels.**

18 **So we would -- I would bring them and --**
 19 **but I was on this -- basically, on this side of**
 20 **the -- of the sweat lodge.**

21 **Q.** Did you see anybody who -- with hoses or
 22 with water?

23 **A.** They -- there was people who -- that
 24 **sprayed hoses over people and -- yeah.**

25 **Q.** Who was spraying hoses on people?

1 **A.** People of the Dream Team. But I cannot
 2 **tell who did what.**

3 **Q.** Did you see any other methods in which
 4 participants were wetted down other than by using
 5 the hoses?

6 **A.** No. Not really.

7 **Q.** And did you see the defendant leave the
 8 sweat lodge?

9 **A.** He came out first. Yes. I saw him.

10 **Q.** And did you see what he did or where he
 11 went?

12 **A.** What I saw was he came out. And he was
 13 **standing up. Then my -- I looked at who came out**
 14 **next. When I saw him standing up, I had to say oh.**
 15 **He's fine. So I saw what was happening next. For**
 16 **a little bit I did not see where he was.**

17 **Q.** And did you at some point see where he
 18 wound up down there?

19 **A.** After little while -- well, pretty much.
 20 **Pretty soon I saw him in the canopy where the**
 21 **drinks were. He was sitting on a chair there for a**
 22 **while. And I -- I did not really follow him**
 23 **because there were so many people who needed**
 24 **attention. And he did not need attention, so I**
 25 **gave my attention to what was going on.**

1 **Q.** You mentioned you saw people that needed
 2 attention?

3 **A.** Uh-huh.

4 **Q.** Other than the ones you've described who
 5 were having assistance from the lodge, did you see
 6 anybody else who needed assistance?

7 **A.** That -- that was all that was going on.
 8 **People were -- I'm describing here what I observed**
 9 **as they were coming out.**

10 **Q.** Did you see anybody having CPR performed?

11 **A.** No. Not -- not from this side, and
 12 not -- not on this side of the lodge.

13 **Q.** At some point that evening, did you see
 14 people or a person having CPR performed?

15 **A.** I did.

16 **Q.** And tell us what you saw about that.

17 **A.** That is later. I did see that from this
 18 side. There were people on the backside of the
 19 sweat lodge. So there were things going on there.
 20 But at that moment I didn't know what. Later when
 21 I came back, I saw that that was where people did
 22 CPR on some people.

23 **Q.** How much space is there between the --
 24 the base on the back side of the lodge and the area
 25 where the -- the forest, if you will, begins?

1 **A.** Oh. Where the -- where the trees begin?

2 **Q.** Yes.

3 **A.** Oh. 20 feet. Yeah. About 20 feet.

4 **Q.** And the person or persons receiving
 5 CPR -- can you tell us where in that area they were
 6 located.

7 **A.** Here.

8 **Q.** And can you tell us -- how many people
 9 did you observe receiving CPR?

10 **A.** Two.

11 **Q.** At some point did you become aware of
 12 whether or not 9-1-1 was called?

13 **A.** As I was here, I heard Debbie Mercer say,
 14 we need to call 9-1-1.

15 **Q.** Did you --

16 **A.** And --

17 **Q.** Did you see who she said that to?

18 **A.** No. I heard.

19 **Q.** Okay.

20 **A.** I heard.

21 **Q.** Then let me clear these marks on here.

22 Can you show us where you were standing and where
 23 you heard Debbie speaking from?

24 **A.** I was in this area. And I heard Debbie
 25 coming -- walking from that direction. And she was

1 saying, we have to call 9-1-1. We have to call
2 9-1-1. And --

3 Q. And I'm sorry. I didn't see the mark.
4 But can you show us where.

5 A. I saw her walk --

6 Q. You were in that area?

7 A. I saw her walk away from -- from whatever
8 was happening over there. I saw her coming from
9 there this way. And that is when I heard. And I
10 was here in this area. I do not know exactly where
11 because I was moving.

12 Q. And had you seen the CPR being performed
13 at that point?

14 A. No.

15 Q. And after Debbie said, we need to call
16 9-1-1, what did you see happen next?

17 A. She -- I -- between when I heard that
18 first and then a few seconds later, there may have
19 been a little -- few seconds. But then I saw her
20 walk over to her golf cart and drive out. And I
21 went to my golf cart that was parked on the other
22 side.

23 She took a golf cart that was parked
24 somewhere -- somewhere this way, this direction,
25 and -- and my golf cart was on the other side. So

1 I took a golf cart that way, and she took a golf
2 cart this way.

3 Q. Let me show you a -- kind of a larger
4 scale. On this photograph, which is Exhibit 141,
5 can you show us where it is you saw Mrs. Mercer
6 heading towards and where it is you took your golf
7 cart towards.

8 A. Okay. She -- the golf cart that she took
9 was parked somewhere over here. And she went
10 down -- down below and then that way. And I took
11 my golf cart, which was parked here, and I went
12 this way.

13 Q. And can you tell us what is in this
14 direction that you saw Mrs. Mercer heading towards?

15 A. At that moment I expected and I knew, and
16 that is when I found out what she did. She was
17 driving to the home that she was living in because
18 that was for her the closest get to a phone. And I
19 went this way to the closest phone that was on that
20 side.

21 Q. And then showing you the map,
22 Exhibit 140 --

23 A. Uh-huh.

24 Q. -- can you show us the phone -- the
25 location of the phone that you drove to.

1 A. I drove from here -- this way from here
2 to this building.

3 Q. And how long of a drive did that take you
4 in the golf cart?

5 A. A minute.

6 Q. And did you then -- what did you do when
7 you reached the phone?

8 A. I grabbed the phone, dialed my husband's
9 number, who was here in the house, told him I was
10 going to call 9-1-1.

11 Q. And did you then call 9-1-1?

12 A. Then I called 9-1-1.

13 Q. Now, did you have at that time a nurse
14 who was volunteering or staying on the property?

15 A. The question is not completely -- we --
16 we had on our team -- in our team we had a person
17 who was a retired nurse.

18 Q. And --

19 A. And yes. She was within -- within our
20 team of volunteers but not as a nurse.

21 Q. Okay. And -- and let me -- let me ask a
22 couple of additional questions. This lady who had
23 been a nurse was not a Dream Team member; correct?

24 A. Oh, no.

25 Q. Is that -- can you tell us what she was

1 doing at Angel Valley.

2 A. She was -- she was part of our board of
3 the ministry. She was volunteering and doing work
4 in the gift shop, and she was doing sessions as a
5 practitioner. She was a therapist.

6 Q. Had you ever told the defendant or any of
7 his employees that you had a lady who happened to
8 be a nurse there on the property?

9 A. No.

10 Q. When -- after you called 9-1-1, did you
11 try and make contact with this lady who had been
12 the nurse?

13 A. Yes. After I hang up the phone, I called
14 9-1-1. And they told me they already were on the
15 phone with somebody else from Angel Valley. So I
16 hang up and went to the office to find this person.

17 Q. And then what -- what did you do next?

18 A. She was not in the office. But I told
19 the people in the office to go find her because she
20 was somewhere over the property. So somebody went
21 to find her. I drove -- then I drove back to the
22 sweat lodge area.

23 Q. Do you know whether or not Debbie Mercer
24 is the one who found the nurse?

25 A. No.

1 Q. Do you know who it was who found the
2 nurse?

3 A. I think it was our office coordinator,
4 Ingrid Hardy.

5 Q. And when you arrived, where did you go
6 then after sending someone off to find this nurse?

7 A. I went back to the sweat lodge. And I
8 came back the same way from the -- over that area.
9 So I came back from there. And that is when I saw
10 that at the back of the sweat lodge they were doing
11 CPR.

12 Q. Do you recall at what point the emergency
13 medical people began to arrive?

14 A. It must have been about 15 -- 15 minutes,
15 maybe a little more. But they were fast.

16 Q. And 15 minutes from what point?

17 A. I don't know.

18 Q. Well, let me ask you this: You said they
19 arrived about 15 minutes --

20 A. After -- after the -- after 9-1-1 was
21 called.

22 Q. Okay. At some point that evening, did
23 there come a time when the -- all the emergency
24 medical people had left?

25 A. Everybody?

1 Q. They -- did the -- did there come a time
2 when the -- the firemen and the EMTs and the
3 paramedics that they had finished treating patients
4 and had left?

5 A. Yeah. At some point they left.

6 Q. And how long did it take to reach that
7 point that everybody had left, all the medical
8 people had left?

9 A. Oh, hours. They -- first they treated
10 people down below by the sweat lodge. And then
11 when -- when people had been taken to hospitals,
12 they -- and -- and people who were not taken to
13 hospitals had left the sweat lodge area, then they
14 came to the dining room because the participants
15 had been asked to gather in the dining room. So
16 they came over to the dining room to check
17 whether -- to let us know that they would be
18 leaving.

19 And then I was by that time in the dining
20 room. And I saw people there that didn't seem to
21 feel well. So I asked the paramedics to check them
22 out. And also I asked the participants whether
23 everybody was already there, whether people knew
24 their roommates were in the dining room. And they
25 were not.

1 So then we had somebody go around -- one
2 of the participants, I think, went around to check
3 people who were still in their rooms or in their
4 cabins or in their tents. And then they found
5 several people. And those who were not very
6 interested in coming over by themselves, we had the
7 paramedics go there to check them out. And from --
8 from that situation there were another eight people
9 that they took to the hospital for -- to check.

10 Q. I'm going to show you what's marked and
11 admitted as Exhibit 229. Do you recognize that
12 photograph?

13 A. I do.

14 Q. And how is it that you recognize
15 Exhibit 229?

16 A. Because that is one of the photos that
17 was taken by our office coordinator, Ingrid Hardy.
18 And she showed me the photos, and I offered them --
19 and I offered them to Detective Diskin.

20 Q. And I'm going to show you Exhibit 230 and
21 ask the same question. Do you recognize that
22 photograph?

23 A. That is -- that is -- she took a few
24 photos. And this is -- this is one of them. But
25 it is part of the photo taken enlarged.

1 Q. And what do you mean by it's part of the
2 photo enlarged?

3 A. Well, she -- the photo that she took was
4 a little bit -- taken from a little further away.
5 So what you see in this photo is -- is part of the
6 photo that she originally took.

7 Q. And do you know what -- what time she
8 took those photos?

9 A. These photos were taken around a quarter
10 to 6:00.

11 Q. And how is it that you know that time?

12 A. Because the computer showed that that was
13 the time that the photo was taken.

14 Q. And was that -- do you know -- did she
15 use your camera to take the pictures?

16 A. No. She used her own camera.

17 Q. And do you know whether or not the time
18 stamp on her camera was accurate or not?

19 A. It was accurate. Yes.

20 Q. I'm going to show you what's been
21 admitted as Exhibit 148, which is a certified
22 document of the -- the different temperatures that
23 day at the Sedona Airport. And I'm going to ask if
24 you recall starting in the -- the afternoon. Do
25 you see there is a date? Let me zoom in a little

1 bit.

2 **A. Okay. I can see.**

3 **Q.** We've got a date. And then there is
4 times. Do you recall whether the temperatures that
5 are shown, for example, on October 8 at 5:30 --
6 whether that -- that temperature of 66 degrees,
7 does that feel approximately what you saw the
8 temperature to be?

9 **A. I would say yeah.**

10 **Q.** Would you have -- based on your
11 recollection, would you have any reason to disagree
12 with that?

13 **A. No, I would not disagree.**

14 **Q.** Okay. And then there is -- on this
15 column we also have humidity. And it shows the
16 wind as well. Do you recall whether -- it's just
17 peak wind. Do you recall whether the listings here
18 for the humidity and wind gusts -- do those also
19 appear to -- do they appear accurate, based on your
20 recollection?

21 **A. Well, the numbers of the humidity and the**
22 **wind does not mean so much to me. They do not -- I**
23 **cannot relate very well to the numbers.**

24 **Q.** Do you know how far your property of
25 Angel Valley is from the Sedona Airport?

1 **A. Seven -- seven -- a little over seven**
2 **miles.**

3 **Q.** After the sheriff's department had
4 completed their investigation, were you -- did you
5 and your husband have a plan or a decision to do
6 something with the sweat lodge structure?

7 **A. Yes, we did.**

8 **Q.** And can you tell us at what point it is
9 you and your husband decided to -- to do something
10 with the sweat lodge structure?

11 **A. On the Friday, the 9th, one of the things**
12 **Michael and I discussed what to do. Not what to**
13 **do. What's the next thing we need to do other than**
14 **taking care of all the people. Because there were**
15 **still many people around. And one of the things we**
16 **wanted to do was to take down the sweat lodge and**
17 **clear the area.**

18 **Q.** You mentioned there were still people
19 around?

20 **A. Yes.**

21 **Q.** What people are you referring to?

22 **A. There were still a little over 20**
23 **participants around that had planned -- we had**
24 **invited people to spend an extra night if they**
25 **wanted to. And there was -- and those were the**

1 **people -- those who had planned to do that actually**
2 **did do that. So they were still that day there.**
3 **So they had to be taken care of on all levels.**

4 **And we -- on that day the investigation,**
5 **there was -- there was so many people around in the**
6 **sweat lodge area to investigate everything. And**
7 **then Detective Diskin told us towards the evening**
8 **that they were complete and that the land was ours**
9 **again.**

10 **And then we asked him, is it okay to take**
11 **the sweat lodge down because we would like to do a**
12 **ceremony tomorrow together with the people who were**
13 **part of it and make it kind of a ceremony that was**
14 **combined kind of a memorial, a kind of a healing**
15 **for -- because all these people were in tremendous**
16 **pain. And also start clearing this place.**

17 **Q.** And I'm showing you what's admitted as
18 Exhibit 232. Do you recognize that -- what's
19 depicted in that photograph?

20 **A. That is a picture that was taken during**
21 **that ceremony. Yes.**

22 **Q.** And do you know who took the photograph?

23 **A. I am not totally sure. Because on that**
24 **occasion I took a number of photos. And Ingrid,**
25 **the same person who took the other photos, also**

1 **took a number of photos.**

2 **I -- at this moment when I see myself in**
3 **a picture, then I know that she took it. And,**
4 **otherwise, when I see her, then I took it. And,**
5 **otherwise, the ones that neither of us is in, I**
6 **have to go in the computer and see which series**
7 **they are.**

8 **Q.** Okay. Was she using her camera --

9 **A. Yes.**

10 **Q.** -- and you were using your camera?

11 **A. Yes.**

12 **Q.** Other than the participants who were
13 still on the property, do you recall who else
14 attended the ceremony where you dismantled the
15 lodge?

16 **A. Our -- our entire team -- Ted and Debbie**
17 **Mercer and Sarah Mercer and her boyfriend and --**
18 **yeah.**

19 **Q.** And can you tell us what is at the site
20 now.

21 **A. We changed that into a place that**
22 **initially we called "Memorial Site." We want to**
23 **honor the three people who passed. And we also**
24 **want to use this place, which we now call the**
25 **"Garden of Transformation," for every person --**

1 each one of us has to deal with feelings of life
2 and death.

3 And this is a place that we use to --
4 to -- for -- for -- to meditate on these things and
5 to heal on every person's own issues of life and
6 death.

7 Q. A couple of areas we have talked about,
8 and I want to go back and make sure I'm not
9 confused on -- on particular issues. You had
10 mentioned earlier that Mr. Palisch worked for a
11 time as your general manager?

12 A. Yes.

13 Q. Can you tell us again the month and the
14 year he began and the month and the year he ended?

15 A. Yeah. As a general manager he started in
16 September of 2007. And he left us in -- in
17 December of 2008.

18 Q. Did he stay on in any capacity into 2009?

19 A. No.

20 Q. And I'm not sure if I asked you. But
21 turning your attention back in time, do you recall
22 what month the defendant held the sweat lodge
23 ceremony in 2007?

24 A. In 2007 it was in September.

25 Q. And from 2003 to the present, of 2009,

1 were there any times when the sweat lodge ceremony
2 was not held during the daytime?

3 A. In the first -- in 2003 and in 2004, the
4 sweat lodge ceremonies were held in the evening, in
5 the dark. Oh. And in 2005. Sorry. 2005 too.
6 '3, '4, and '5.

7 Q. And I believe you testified those were
8 the years where the Vision Quest followed the sweat
9 lodge?

10 A. No. In 2002, 2003, and 2004, the sweat
11 lodge ceremony was in the evening, and people were
12 taken on the Vision Quest after that. In 2005 it
13 was -- the order was reversed. They first did
14 the -- the Vision Quest. And then they did -- the
15 next day when they came back from the Vision Quest
16 in the morning, they would do the sweat lodge
17 ceremony in the evening.

18 Q. And then showing you Exhibit 561, do you
19 recognize what's depicted in that photograph?

20 A. I do.

21 Q. Can you tell us.

22 A. That is the Memorial Site as it was in
23 the very beginning.

24 Q. And in the background -- I don't know how
25 clear this is going to be. But in the background,

1 we see there's some steps or stairs. Can you tell
2 us how many sets of stairs lead down to this --
3 this plain where the sweat lodge was set up on?

4 A. Do you mean how many steps or --

5 Q. Well, there's a -- do you see a staircase
6 in that location?

7 A. Yes.

8 Q. Are there any other staircases that lead
9 down to that area?

10 A. Yes. There is -- to the left at the
11 bottom part where the -- where it is the highest,
12 there is another set of steps.

13 Q. And are you referring to an area over in
14 this area here?

15 A. Yeah. More -- more to the back.

16 Q. Okay. And I'm -- I'm asking
17 specifically, it appears that this area is -- is
18 raised up.

19 A. Yeah.

20 Q. And it appears there is a plain, if you
21 will, down in this area here?

22 A. Yes.

23 Q. Can you tell me, other than this
24 staircase that we see here, are there any other
25 staircases in any other of the directions that lead

1 down to this plain where the sweat lodge used to
2 sit?

3 A. No. Because the -- the roads that lead
4 to here are all kind of sloping gently so that we
5 can drive them easily with the -- the golf carts
6 and if necessary other vehicles.

7 Q. And then on this particular staircase, do
8 you recall what the staircase is constructed of?

9 A. Red rocks. Flat, flat red rocks that are
10 found on the property.

11 Q. Is the red rock something similar to
12 sandstone?

13 A. Red rock is sandstone. Yes.

14 Q. Thank you, Mrs. Hamilton. I don't think
15 I have any other questions for you.

16 THE COURT: Thank you, Mr. Hughes.

17 Mr. Li.

18 MR. LI: Thank you, Your Honor.

19 CROSS-EXAMINATION

20 BY MR. LI:

21 Q. Good afternoon, Ms. Hamilton.

22 A. Mr. Li.

23 Q. Now, you would agree with me,
24 Ms. Hamilton, that this jury is entitled to full
25 and accurate information?

1 **A. Absolutely.**
 2 **Q.** And that your testimony to this jury
 3 should be based on what you have personally seen or
 4 did -- done; correct?
 5 **A. Yes.**
 6 **Q.** It should not be based on assumptions
 7 that you might be making; correct?
 8 **A. Yes.**
 9 **Q.** It should not be based on things that
 10 you've heard other people tell you; correct?
 11 **A. Mr. Li, what you say is when I hear,**
 12 **that's not what -- that's what I hear somebody tell**
 13 **me is not an assumption for me.**
 14 **Q.** Okay. But if you hear somebody tell you
 15 about some piece of information that you didn't
 16 personally witness, you don't know one way or
 17 another whether that piece of information is
 18 correct; right?
 19 **A. With what I hear, I can only say what I**
 20 **hear, and that is the only thing I intend to do.**
 21 **Q.** Okay. Thank you. And all I'm trying to
 22 explain or ask you, Ms. Hamilton -- and I don't
 23 mean to argue with you. It's just -- this is not
 24 for the questioning.
 25 But all I'm trying to ask you is that

1 this jury is entitled to information that you
 2 personally have seen, heard, done. That's --
 3 that's the most accurate information; correct?
 4 **A. Yes.**
 5 **Q.** Everything else is -- might be an
 6 assumption; right? It might be an assumption?
 7 **A. I will share with the jury what I heard**
 8 **and what I saw to the best of my recollection.**
 9 **Q.** Okay. And if you are speculating, you
 10 might be wrong; correct?
 11 **A. Why would I be speculating?**
 12 **Q.** I'm just asking. If you speculate, you
 13 might speculate wrong; correct?
 14 **A. I will not speculate, Mr. Li.**
 15 **Q.** Okay. I'm going to show you an exhibit.
 16 I believe this is Exhibit 903. And on -- on direct
 17 examination with Mr. Hughes, you had said, and I
 18 wrote this down, we would never burn wood with
 19 nails in it.
 20 **A. Uh-huh.**
 21 **Q.** Do you remember saying that?
 22 **A. I remember that.**
 23 **Q.** And you know that because you've
 24 personally examined every piece of wood that might
 25 get burned at Angel Valley?

1 **A. That's impossible.**
 2 **Q.** Okay. So you were guessing then, weren't
 3 you?
 4 **A. I was sharing what was our policy, what**
 5 **would be -- what would be directed as supervisors**
 6 **as my husband in his function of overseeing. Yes.**
 7 **Q.** But you personally did not observe all
 8 the wood in the wood pile, did you?
 9 **A. I did not see every piece -- piece in the**
 10 **wood pile.**
 11 MR. LI: May I approach, Your Honor?
 12 THE COURT: Yes.
 13 **Q.** BY MR. LI: Ms. Hamilton, I'm -- I'm
 14 showing you Exhibit 903, which is a log taken from
 15 Angel Valley by a detective -- detectives. And do
 16 you see this thing here, right here?
 17 **A. Yes.**
 18 **Q.** What is that?
 19 **A. That is a -- that is a nail that if we**
 20 **had stacked the logs, we would put tarps over the**
 21 **logs to protect them for the weather. And**
 22 **eventually these logs we could not use anymore for**
 23 **construction. When the tarps would come off, well,**
 24 **evidently not all the nails have been removed.**
 25 **Q.** And this is not a big deal. I mean, the

1 only point I'm making is that --
 2 May I -- may I show this to the jury,
 3 Your Honor?
 4 THE COURT: Yes, you may.
 5 **Q.** BY MR. LI: The only point I'm making,
 6 Ms. Hamilton, is that when you told this jury that
 7 you would never burn a piece of wood with a nail in
 8 it, you were making an assumption; correct?
 9 **A. Yes.**
 10 **Q.** Now, you also told the jury that the
 11 sweat lodges were put and constructed in exactly
 12 the same place; correct?
 13 **A. Yes. In the same location.**
 14 **Q.** And this is -- well, we'll just work on
 15 the '06. Sorry. '07, '08. Those two sweat lodges
 16 were put in exactly the same place?
 17 **A. Yes.**
 18 **Q.** Now -- and you said that because you said
 19 that there had been a pit there and that -- you
 20 know -- the pit never moved --
 21 **A. Uh-huh.**
 22 **Q.** -- correct?
 23 I'm sorry. Just for --
 24 **A. Yes. Yes.**
 25 **Q.** Thank you. Now, you would agree with me

1 that the sweat lodge -- at least the structure is
2 made of two things: One is the pit, and then the
3 other is the wood, the kiva, the structure, not the
4 blankets and all that?

5 **A. Yes.**

6 **Q.** Just the structure?

7 **A. Yes.**

8 **Q.** And the pit you say was stationary?

9 **A. Yes.**

10 **Q.** But the kiva can be placed right on
11 exactly the same location, or it can be moved over
12 a few feet; right?

13 **A. Theoretically, yes.**

14 **Q.** And you personally were not involved in
15 the construction of the sweat lodge in '07 or '08;
16 correct?

17 **A. I was not.**

18 **Q.** You did not yourself go to the site and
19 bend the wood and stick it into the ground, did
20 you?

21 **A. I did not.**

22 **Q.** And you did not yourself figure out
23 exactly what the location of the pit should be in
24 relation to the rest of the lodge; correct?

25 **A. I did not.**

1 **Q.** In fact, you hired a person in '08, a
2 person named David Singing Bear, to build the
3 lodge; correct?

4 **A. Angel Valley. And for Angel Valley Gary
5 Palisch hired David Singing Bear for -- to consult
6 about building a sweat lodge at the site per -- per
7 request of Mr. Ray had to be erected.**

8 **Q.** Okay. So you -- Mr. Palisch, who is the
9 general manager at the time -- he went out and
10 found a person, David Singing Bear, to give you
11 some consultation about how the lodge should be
12 built; correct?

13 **A. Yes. That's correct.**

14 **Q.** Now, you never met Mr. Singing Bear, did
15 you?

16 **A. I met him once, and we just shook hands.**

17 **Q.** Okay. So you shook his hand. You said,
18 hello, I presume?

19 **A. Yes.**

20 **Q.** And you didn't do anything else with him,
21 did you?

22 **A. No.**

23 **Q.** You didn't have a conversation with him
24 about how the sweat lodge should be built; correct?

25 **A. No.**

1 **Q.** You didn't have a conversation with him
2 about where the pit should be in relation to the
3 rest of the -- the frame; correct?

4 **A. I did not.**

5 **Q.** And you didn't really know him at all
6 other than the handshake; correct?

7 **A. That's correct.**

8 **Q.** And you have -- you were told that he had
9 experience in sweat lodges -- building sweat
10 lodges; correct?

11 **A. Yes.**

12 **Q.** But you don't know personally whether he
13 did or he didn't; correct?

14 **A. I trusted Gary Palisch that what he
15 shared with me -- with me that that was correct.**

16 **Q.** Correct. You trusted your general
17 manager -- you delegated to your general manager
18 the job of constructing a sweat lodge; correct?

19 **A. Yes.**

20 **Q.** And you trusted your general manager to
21 do all the things necessary to build a sweat lodge;
22 correct?

23 **A. I did.**

24 **Q.** But you personally did not yourself do
25 any research into this man, Mr. Singing Bear;

1 correct?

2 **A. I knew -- I said I didn't meet him. I
3 knew about him.**

4 **Q.** Okay. But you -- you didn't find out
5 whether -- you didn't go and inspect other sweat
6 lodges he had built?

7 **A. I did not.**

8 **Q.** And you didn't go and actually talk to
9 him about, hey. Listen, Mr. Singing Bear. How are
10 we going to build this sweat lodge? Where is
11 everything going to go? How does this all work?

12 You didn't do that; right?

13 **A. No. You are correct. I delegated that
14 to Gary Palisch.**

15 **Q.** Thank you. I'm just trying to find out
16 what -- what the facts are.

17 **A. Uh-huh.**

18 **Q.** Now, the sweat lodge that was previously
19 built, I think, in '07 --

20 **A. Uh-huh.**

21 **Q.** -- another man built that lodge; right?

22 **A. Yes.**

23 **Q.** And do you know his name?

24 **A. I do not know his name.**

25 **Q.** And this was a man that your husband,

1 Mr. Hamilton, met in an In-N-Out Burger; correct?
 2 **A. Yeah.**
 3 **Q.** And you did not personally do any
 4 investigation at all into what his qualifications
 5 were in building a sweat lodge, did you?
 6 **A. I did not.**
 7 **Q.** Now, just focusing for a second on the
 8 '08 sweat lodge, you were not there when it was
 9 built; correct?
 10 **A. I -- the building of the structure took**
 11 **about four or five days. And during those days,**
 12 **several times as I was driving by, I stopped there**
 13 **for a little bit and looked.**
 14 **Q.** Okay. You -- you --
 15 **A. But that is the extent of what I know**
 16 **about it.**
 17 **Q.** Okay. So it was very much in passing?
 18 **A. Yes.**
 19 **Q.** And so you have -- you know -- you don't
 20 have -- you didn't personally observe how -- how
 21 they were putting together the wooden frame, the
 22 kiva; right?
 23 **A. In the times that I would be driving**
 24 **by --**
 25 **Q.** Right.

1 **A. -- I would see what they were doing.**
 2 **Q.** Other than the -- the passing by, you
 3 didn't stand there and supervise them and say, no.
 4 Tie it this way. Tie it that way, and that sort
 5 of --
 6 **A. No. I did not supervise them. I**
 7 **observed that they knew what they were doing.**
 8 **Q.** Okay. And this was Debbie Mercer and Ted
 9 Mercer who were doing this?
 10 **A. No. They were there, but they were**
 11 **assisting.**
 12 **Q.** Okay. And who else was doing it?
 13 **A. Brian Hornbeck.**
 14 **Q.** And who is Brian Hornbeck?
 15 **A. Brian Hornbeck is a -- also a Native**
 16 **American man. He is a nephew of David Singing**
 17 **Bear.**
 18 **Q.** Is he a friend of yours?
 19 **A. He is not. He was a connection with**
 20 **David Singing Bear that David recommended to do the**
 21 **actual work.**
 22 **Q.** Okay. And did you introduce yourself to
 23 Mr. Hornbeck?
 24 **A. I did.**
 25 **Q.** And did you have a long conversation with

1 him about anything?
 2 **A. Some conversation. Yes.**
 3 **Q.** Hello. How are you? Thanks so much for
 4 helping out. That sort of thing?
 5 **A. I don't remember exactly what I said**
 6 **in 2008. But social.**
 7 **Q.** Social. You didn't say where -- where
 8 are you putting -- are you putting the pit
 9 off-center? You didn't say that? You didn't have
 10 a discussion with him about that, did you?
 11 **A. No.**
 12 **Q.** Now, you testified on direct that you
 13 had -- you knew that the blankets were the same
 14 every year?
 15 **A. Uh-huh. Yes.**
 16 **Q.** But you don't personally know which
 17 blankets were used and in what way each year for
 18 each sweat lodge, do you?
 19 **A. I did not lay the coverings on the lodge.**
 20 **Q.** And -- and that's what I'm asking. You
 21 did not personally observe which -- which blankets
 22 were laying on the sweat lodge in which particular
 23 way; correct?
 24 **A. What I saw was that on the inside you saw**
 25 **only blankets, and the vinyl was at the top.**

1 **Q.** And fair enough. But I'm not going -- I
 2 don't want to argue with you. But it's just,
 3 basically, you didn't -- you don't know exactly
 4 which blankets went where -- right? -- because you
 5 weren't present when they were being put on?
 6 **A. I was not present when they were put on.**
 7 **No.**
 8 **Q.** So you don't know which blankets were put
 9 where; correct? Other than the big brown tarp on
 10 top, inside you don't know which blankets went
 11 where; correct?
 12 **A. Well, everything that was visible from**
 13 **the inside, I would see. If you -- if you put**
 14 **tarps on the inside, you would see that. When**
 15 **you're inside a sweat lodge, you would see whether**
 16 **tarps would be facing the -- when you're inside.**
 17 **And that was never the case.**
 18 **Q.** Okay. I'm -- I'm not asking you whether
 19 there were tarps on the inside or whether there
 20 were blankets on the inside. I'm -- I'm just
 21 asking you -- and I'll walk away from this when
 22 we're done. Okay?
 23 **A. Okay.**
 24 **Q.** Promise. You just don't know
 25 specifically which blankets got put where; correct?

1 How could you if you weren't even there when they
2 were being constructed?

3 **A. No. But I tell you, the only thing that**
4 **I do know is what I saw when it was done.**

5 **Q.** Okay. I have here a stack of papers.

6 **A. Uh-huh.**

7 **Q.** You don't know what page 42 is, do you?

8 **A. I don't.**

9 **Q.** You can see the stack of papers right
10 here; correct?

11 **A. Uh-huh.**

12 **Q.** So you can say to this jury, I see a
13 stack of papers; right? Correct?

14 **A. Yes.**

15 **Q.** But you cannot say I know what's on page
16 42; correct?

17 **A. Yes.**

18 **Q.** And that's the only point I'm making.
19 You can see a bunch of blankets, but you don't know
20 which blanket is which; correct? Is that fair?

21 **A. I was -- I was not part of laying them in**
22 **layers.**

23 **Q.** Now, if we could talk for a second about
24 the Angel Valley Ministries. And can you -- can
25 you explain to me how it works. You have Angel

1 Valley Ministries and then you have Angel Valley
2 Spiritual Retreat Center; right?

3 **A. Yes.**

4 **Q.** How are they related to each other?

5 **A. Angel Valley Spiritual Retreat Center is**
6 **a for-profit business under the umbrella of Angel**
7 **Valley Ministries.**

8 **Q.** Okay. I'll come back to this chart in
9 one second. But I just want to see if I -- if I
10 have it right. So I'm going to abbreviate since my
11 writing is not so great. But Angel Valley
12 Ministries; right? And this is a 501(C)(3),
13 correct?

14 **A. Yes.**

15 **Q.** Which means it's a not for profit?

16 **A. Yes, it is.**

17 **Q.** And so then you have Angel Valley --

18 **A. Spiritual Retreat Center.**

19 **Q.** -- Spiritual Retreat Center as an LLC or
20 something like that?

21 **A. Yes.**

22 **Q.** LLC. And that's a for profit?

23 **A. Yes.**

24 **Q.** So what's the relationship between Angel
25 Valley Spiritual Retreat Center, for profit, and

1 Angel Valley Ministries, not for profit? Is there
2 a line? Does Angel Valley own this? What's the --
3 what's the -- how does it work?

4 **A. Everything we do within the retreat**
5 **center where business aspects are playing in that**
6 **people are paying money to cover expenses that we**
7 **have, that comes in the retreat center.**

8 **Q.** Okay.

9 **A. That is a for-profit business, everything**
10 **lined up, everything the way it is required by IRS.**

11 **And then the ministries is -- that's --**
12 **that's not where the money comes in and goes out.**
13 **That is where there is more donation, where there**
14 **is more without monetary exchanges.**

15 **But in order for us to do the work in the**
16 **ministry on the piece of property where we have**
17 **financial commitments and in order to have people**
18 **come and receive what they are looking for when**
19 **they come to Angel Valley, they pay us so that we**
20 **can continue to keep this place available for**
21 **people to do the work.**

22 **Q.** To do the work of the ministry?

23 **A. Yes.**

24 **Q.** Okay. So there is a for-profit entity
25 that generates income. So, for instance, in the

1 case of Mr. Ray's 2009 seminar, let's call it about
2 \$100,000, give or take. And that money helps the
3 ministry do its work; correct?

4 **A. Yes.**

5 **Q.** So is it -- is it like this?

6 MR. HUGHES: Object as to foundation, what he
7 means by an arrow.

8 THE COURT: Sustained.

9 **Q.** BY MR. LI: Okay. Does Angel Valley
10 Spiritual Retreat Center support -- I'm sorry.
11 This is a little sign. But does it support the
12 ministry?

13 **A. Well, our No. 1 concern has -- our main**
14 **target has been to first and foremost make sure**
15 **that we can be there to cover our expenses.**

16 **Q.** For the ministry?

17 **A. We have in the years that -- we have to**
18 **cover our expenses --**

19 **Q.** Everything?

20 **A. -- altogether --**

21 **Q.** Okay.

22 **A. -- to keep it -- to make it sustainable.**

23 **The situation unfortunately has not happened yet so**
24 **far that we could have nice chunks of money going**
25 **into the ministry because it has not grown that**

1 **far.**
 2 **Q.** And in '08 -- 19 -- 2008, you all filed
 3 for Chapter 11 bankruptcy protection?
 4 **A.** **No. Not we all. My husband, Michael,**
 5 **and I filed Chapter 11 as -- because the property**
 6 **is in our name.**
 7 **Q.** Okay. And you had approximately 37
 8 creditors to whom you owed about \$6.5 million --
 9 you and your husband?
 10 **A.** **I don't know how many creditors.**
 11 **Q.** Is that -- if I had a document that said
 12 that, would that sound about right?
 13 **A.** **Yeah.**
 14 **Q.** About 37 creditors that you and your
 15 husband owe approximately \$6.5 million to?
 16 **A.** **Could be something like that. Yeah.**
 17 **Q.** Now, Mr. Hamilton ran a business before
 18 he met you; correct?
 19 **A.** **Yes.**
 20 **Q.** And he's -- he worked for about 40 years
 21 in the construction industry?
 22 **A.** **On and off. Yes.**
 23 **Q.** And he also did some industrial
 24 development in California?
 25 **A.** **He did.**

1 **Q.** He worked as a supervisor?
 2 **A.** **He did.**
 3 **Q.** And he was a businessman and is a
 4 businessman; correct?
 5 **A.** **Yes.**
 6 **Q.** In addition to his -- his spiritual
 7 facility, he also is a sophisticated businessman;
 8 correct?
 9 **A.** **He is.**
 10 **Q.** He had a log home business?
 11 **A.** **Yes.**
 12 **Q.** Now, you were a high school teacher;
 13 correct?
 14 **A.** **I was.**
 15 **Q.** Do you have any business background?
 16 **A.** **I do.**
 17 **Q.** Okay. Could you tell us what -- what
 18 your business background is.
 19 **A.** **In the late '80s I had a -- initiated a**
 20 **metaphysical store in a town in Holland --**
 21 **Q.** Okay.
 22 **A.** **-- that included a import business of**
 23 **essential oils from a company in Germany. And that**
 24 **is what I did since then until I went and moved to**
 25 **the United States.**

1 **Q.** Okay. So you -- you ran your own
 2 business in Holland?
 3 **A.** **I did.**
 4 **Q.** What town by the way?
 5 **A.** **Tilburg.**
 6 **Q.** Know it well. No, I don't.
 7 And so you ran -- how long did you run
 8 your own business?
 9 **A.** **Ten years.**
 10 **Q.** About 10 years. And you kept the books
 11 yourself?
 12 **A.** **I did.**
 13 **Q.** And you imported and exported the --
 14 **A.** **I did.**
 15 **Q.** -- things you were buying?
 16 **A.** **I did.**
 17 **Q.** Now, in 2002 you purchased -- you and
 18 your husband, Mr. Hamilton, purchased Angel Valley
 19 Retreat -- or I guess at that time it was called
 20 Deer --
 21 **A.** **Deer Pass Ranch.**
 22 **Q.** Deer Pass Ranch. And you purchased that;
 23 correct?
 24 **A.** **We did.**
 25 **Q.** Do you mind me asking how much you

1 purchased it for?
 2 **A.** **3 million.**
 3 **Q.** Now, folks come to the Angel Valley
 4 Spiritual Retreat Center either as individuals or
 5 in retreat groups; correct?
 6 **A.** **That is correct.**
 7 **Q.** And you -- the ministry offers its own
 8 retreat program?
 9 **A.** **Yes, it does.**
 10 **Q.** And that's called the "Angel Valley
 11 Intensive Transformation and Healing Program"?
 12 **A.** **That's only a part of it.**
 13 **Q.** But it's -- you have one program called
 14 the "Angel Valley Intensive Transformation and
 15 Healing Program"?
 16 **A.** **That is.**
 17 **Q.** And that's a 7- or a 13-day program?
 18 **A.** **That's correct.**
 19 **Q.** And participants, quote, unquote, dive
 20 deeply into their issues?
 21 **A.** **Yes.**
 22 **Q.** And you serve them a vegetarian diet?
 23 **A.** **We do.**
 24 **Q.** You provide them lodging?
 25 **A.** **We do.**

1 Q. And there are many, many hours of
2 meditation?
3 A. Yes.
4 Q. And there are people who write in their
5 journals and their diaries?
6 A. That's correct.
7 Q. And they explore all of the various
8 issues that they might be facing?
9 A. That's correct.
10 Q. And you also provide a -- various
11 spiritual services and activities?
12 A. We do.
13 Q. And you have a number of practitioners at
14 Angel Valley; correct?
15 A. We do.
16 Q. And that includes you for one?
17 A. That's correct.
18 Q. Mr. Hamilton?
19 A. That's correct.
20 Q. Ms. Foster -- Fawn Foster?
21 A. Her too.
22 Q. And you charge for this program; correct?
23 A. Yes, we do.
24 Q. You charge, depending on the length of
25 stay, anywhere from \$3,300 to \$5,500; correct?

1 A. We do.
2 Q. And Mr. Hamilton. He -- he charges
3 for -- or he provides the following services:
4 intuitive coaching and spiritual guidance.
5 A. Yes.
6 Q. And what is that?
7 A. It is helping people to not use their
8 mind, but following their guidance, following their
9 intuition, following their heart. And you can only
10 do that if you are yourself as a practitioner not
11 in your mind. Using your own intuition and
12 guidance and your heart to work with a person on
13 whatever issue it is that a person is willing to
14 explore.
15 Q. Okay. And Mr. Hamilton charges, I think,
16 about \$300 an hour for that?
17 A. That's not correct.
18 Q. Okay. So how much -- how much is charged
19 for that service?
20 A. We charge 111 per hour.
21 Q. Okay. Apology. So you charge \$110 per
22 hour for that particular service?
23 A. We do.
24 Q. Now, you do a service called "channeled
25 writing."

1 A. I do.
2 Q. And that is when you receive messages
3 from spirits or the dead or folks in other
4 dimensions; is that right?
5 A. You could say it that way.
6 Q. And then you write down what they tell
7 you?
8 A. Yes. Can I -- can I add something to it?
9 Q. Absolutely.
10 A. You could compare it to prayer. And not
11 prayer in asking for favors, but prayer in being in
12 connection with God, the angels. And then you do
13 this in writing.
14 What I do as the practitioner is to help
15 people to listen, to hear, and then to help people
16 to write it down. Because sometimes when people
17 write down what they hear in prayer or what they
18 hear in -- they think that they are making it up.
19 And I help people to see the difference
20 when you're making it up and when it could be a
21 message that a person -- each person -- each of you
22 can receive from anything that's not in the
23 physical.
24 Q. So you're comparing it to prayer?
25 A. It's -- it's one way of comparing it.

1 Yes.
2 Q. Okay. And you can help me understand
3 this. My conception of prayer is that I say things
4 but nobody says anything back to me.
5 A. Well, that is -- that is what I am
6 teaching, that there is a way to hear something
7 back --
8 Q. Okay.
9 A. -- and to write that down.
10 Q. So what you do is you help people talk to
11 God?
12 A. Yeah.
13 MR. HUGHES: Object to relevancy, Your Honor.
14 THE COURT: Sustained.
15 Q. BY MR. LI: And you charge people for the
16 service, do you not?
17 A. I do.
18 Q. How much do you charge people for this
19 service?
20 A. 111 per hour.
21 Q. Now, you also do something with something
22 that's called "crystal skulls"?
23 A. Not as a session.
24 Q. Are you familiar with what crystal skulls
25 are?

1 **A. I am.**
 2 **Q.** And you -- I think your husband said you
 3 have some affinity towards them?
 4 **A. I do.**
 5 **Q.** And do you charge people for whatever you
 6 do with crystal skulls?
 7 **A. Not normally.**
 8 **Q.** Okay. But sometimes?
 9 **A. Very, very rarely.**
 10 **Q.** Okay. Very rarely sounds to me like
 11 sometimes you charge people for services involving
 12 crystal skulls.
 13 **A. I can't remember I did that.**
 14 **Q.** Okay. How much do you charge, if you
 15 recall?
 16 **A. And you are -- you are repeating this**
 17 **question, Mr. Li. If you want, for every one**
 18 **hour -- one and a half hour session at Angel**
 19 **Valley, we charge \$144. Our normal sessions are**
 20 **one hour and a half. If it is one hour, we charge**
 21 **111 per hour.**
 22 **Q.** Thank you.
 23 **A. That is the rate we charge for any**
 24 **session we do.**
 25 **Q.** I just don't know. I've never gone.

1 **A. Uh-huh.**
 2 **Q.** So I'm just asking you for the
 3 information. Thank you.
 4 Now, Ms. Foster. She provides a service
 5 called "Inner Child Card Readings"?
 6 **A. Yes.**
 7 **Q.** And you -- and what is that?
 8 MR. HUGHES: Object to relevancy, Your Honor.
 9 THE COURT: Overruled.
 10 THE WITNESS: For people to find out what's
 11 going on inside of them, there are different tools
 12 that can be used. And one of the tools that Fawn
 13 uses are -- you know -- a deck of cards that are
 14 called "Inner Child Cards." And those -- those can
 15 be very helpful for people to find out what is
 16 going on inside of them.
 17 **Q.** BY MR. LI: Ms. Hamilton, I apologize to
 18 you because there is a document where exactly what
 19 you just said to me about the prices is here.
 20 **A. Uh-huh.**
 21 **Q.** And I should have looked at it more
 22 carefully. But this is Exhibit 587. And if I
 23 could turn your attention to page 3 right there.
 24 **A. Yes.**
 25 **Q.** Does this -- is this an accurate document

1 that sets out the various rates for the services
 2 that I've described and asked you about?
 3 **A. If I read it correctly here, this is**
 4 **exactly what I just shared with you.**
 5 **Q.** Yeah. And I apologize. I should have
 6 read it more carefully.
 7 And this is -- this document accurately
 8 reflects what you charge per hour and per hour and
 9 a half sessions for channeled writing, for
 10 crystal -- I mean, I understand you don't always do
 11 it -- but for crystal skulls and for intuitive
 12 coaching and the other?
 13 **A. Yes.**
 14 MR. LI: Your Honor, I'd move Exhibit 587 into
 15 evidence.
 16 MR. HUGHES: Your Honor, may I voir dire the
 17 witness?
 18 THE COURT: Yes, you may.
 19 VOIR DIRE EXAMINATION
 20 BY MR. HUGHES:
 21 **Q.** Mrs. Hamilton, was this document a
 22 contract between you and Mr. Ray?
 23 **A. Not a contract.**
 24 **Q.** Was it an agreement between you and
 25 Mr. Ray?

1 **A. This -- this is a document that said the**
 2 **term and conditions. Before we make a contract, we**
 3 **make sure that the person that we are contemplating**
 4 **to make a contract with knows our term and**
 5 **conditions.**
 6 **Q.** Did you have a separate contract for
 7 Mr. Ray?
 8 **A. Usually we -- each -- for each contract**
 9 **we make, we modify the conditions and make it**
 10 **specific for that specific retreat.**
 11 **Q.** Do you have any way of knowing that this
 12 document shown to you as Exhibit 587 was the form
 13 that was agreed upon between you and Mr. Ray?
 14 **A. As far as I know, with a contract would**
 15 **go terms and conditions specific for that retreat.**
 16 **And this is the general one.**
 17 **Q.** And does the specific contract
 18 occasionally modify the terms and conditions of
 19 your general?
 20 **A. Yes.**
 21 MR. HUGHES: Your Honor, I'd object based on
 22 foundation and relevance.
 23 THE COURT: Sustained.
 24
 25 // /

CROSS-EXAMINATION (Continued)

1 BY MR. LI:

2 Q. Ms. Hamilton, I'll walk away from this in
3 a second. But this is your own document from Angel
4 Valley Retreat Center; correct?

5 A. **It is.**

6 Q. And this sets out the terms and
7 conditions for group retreats; correct?

8 A. **It does.**

9 Q. And Mr. Ray had a group retreat at your
10 facility; correct?

11 A. **He did.**

12 Q. And many of the conditions in this terms
13 and conditions sheet are part of every retreat at
14 Angel Valley; correct?

15 A. **Yes.**

16 Q. Including Mr. Ray's; correct?

17 A. **Yes.**

18 Q. Vegetarian meals, for instance?

19 A. **Yes. Yes.**

20 Q. You know, when meal times are served,
21 that they will be prearranged?

22 A. **Like you say, they would be prearranged.**

23 **So in James Ray's situation, the meal times were**
24 **not our regular meal times, but were the meal times**

1 **that were on James Ray's what he called "syntax."**

2 Q. And the various -- you know -- check-in,
3 check-out terms and conditions are the same for
4 every group pretty much?

5 A. **No. No.**

6 Q. How about that everybody has to sign a
7 waiver and release of liability?

8 A. **That is for every person that comes to**
9 **Angel Valley.**

10 Q. And how about the cancellation policies?

11 A. **Cancellation policies are specific for**
12 **every -- each and every group.**

13 Q. Okay. But this is -- this is the general
14 form that you have in every retreat that you --

15 A. **Yeah.**

16 Q. And Mr. Ray's seminar is a group retreat
17 at Angel Valley; correct?

18 A. **Yes. So for every group, this is the**
19 **starting point to talk. However, there were with**
20 **James Ray very many different things taken off or**
21 **added that were specific for James's retreat.**

22 Q. I understand. But this is the starting
23 point; correct?

24 A. **Uh-huh. Yes.**

25 Q. This is the sheet that you show -- or you

1 at least discuss with every group retreat that's
2 going to -- that's going to come; correct?

3 A. **That is correct.**

4 MR. LI: Your Honor, I move Exhibit 587 into
5 evidence.

6 MR. HUGHES: Your Honor, may I voir dire the
7 witness?

8 THE COURT: Yes.

9 VOIR DIRE EXAMINATION

10 BY MR. HUGHES:

11 Q. Mrs. Hamilton, did you ever discuss this
12 Exhibit 587 with Mr. Ray?

13 A. **This particular one, no.**

14 Q. Do you know whether anybody on your staff
15 at Angel Valley ever discussed Exhibit 587 with
16 Mr. Ray?

17 A. **For sure not because this one is the one**
18 **of 2009. And the contract with Mr. Ray regarding**
19 **the retreat in 2009 was made up in 2007.**

20 MR. HUGHES: Your Honor, I would object based
21 on foundation.

22 THE COURT: Sustained.

23 We're going to take the afternoon recess.

24 MR. LI: Sure. Thank you, Your Honor.

25 THE COURT: It's been 90 minutes. Excuse me.

1 Thank you.

2 Ladies and gentlemen, we will take the
3 afternoon recess. Remember the admonition, of
4 course.

5 And, Ms. Hamilton, please remember the
6 rule of exclusion I discussed with you. You are
7 excused at this time for the recess.

8 Thank you.

9 Let's take about 20 minutes, 20 after.
10 (Recess.)

11 THE COURT: The record will show the presence
12 of Mr. Ray, the attorneys, and the jury.

13 Ms. Hamilton has returned to the witness stand.

14 Mr. Li.

15 MR. LI: Thank you, Your Honor.

16 CROSS-EXAMINATION (Continued)

17 BY MR. LI:

18 Q. Now, Ms. Hamilton, ultimately Mr. Ray did
19 contract with Angel Valley to rent the facilities
20 in October of 2009; correct?

21 A. **He did.**

22 Q. And this is already in evidence, but it's
23 Exhibit 885. I'm going to show it to you, if I
24 could, and just put it up on the screen. Ma'am,
25 this is -- this is the contract; correct?

1 **A. It says "contract package." Yes.**
 2 **Q.** And this is the contract entered into
 3 between Angel Valley and James Ray International;
 4 correct?
 5 **A. It is.**
 6 **Q.** Do you want to keep it up here, or are
 7 you more comfortable reading it on the screen?
 8 Which would work better?
 9 **A. This is good.**
 10 **Q.** Okay. Now, the contract price was
 11 approximately \$107,000; correct?
 12 **A. Yes. Here it says.**
 13 **Q.** And I understand that ultimately not all
 14 the participants came -- came. And so you didn't
 15 ultimately realize \$107,000. But it was
 16 approximately \$100,000; correct?
 17 **A. I read what it says here. I may have to**
 18 **add. But I was never involved in making up the**
 19 **contracts.**
 20 **Q.** Okay. Okay. So -- so just the contract
 21 price was about \$107,000; correct?
 22 **A. Yes. That is what it says here. Yes.**
 23 **Q.** And you're not exactly sure how much
 24 Angel Valley eventually realized out of this
 25 contract. But that was the original value;

1 correct? And by "realized," I mean that you were
 2 actually paid.
 3 **A. Yes. It says that the contract is based**
 4 **on 60 participants. And I do know that in 2009**
 5 **eventually there were 50 participants. So there**
 6 **must have been modifications to this contract.**
 7 **When there is a change on the basic contract, we**
 8 **make an addendum, and then things are modified.**
 9 **Q.** Okay. And -- and the approximate price
 10 per participant was about \$1600; correct?
 11 **A. It was.**
 12 **Q.** And this was signed by Gary Palisch and
 13 Megan Fredrickson; correct?
 14 **A. Yes. I see that.**
 15 **Q.** Now, Megan Fredrickson was the sort of
 16 representative from James Ray International;
 17 correct?
 18 **A. Yes.**
 19 **Q.** And you dealt with her before, meaning
 20 you knew her?
 21 **A. I knew her. Yes.**
 22 **Q.** And you knew she worked for James Ray
 23 International?
 24 **A. Oh, yes.**
 25 **Q.** Okay. And Gary Palisch was the general

1 manager for the Angel Valley Spiritual Retreat
 2 Center; correct?
 3 **A. Yes.**
 4 **Q.** And he executed this contract on behalf
 5 of Angel Valley Spiritual Retreat Center; correct?
 6 **A. He did.**
 7 **Q.** And is it fair to say that the sweat
 8 lodge that we're -- the reason we're all here --
 9 the sweat lodge was Angel Valley's property?
 10 **A. Can you -- can you rephrase the question?**
 11 **Q.** Sure. Angel Valley built the sweat
 12 lodge?
 13 **A. We did.**
 14 **Q.** And it was on Angel Valley's land?
 15 **A. It was.**
 16 **Q.** And Mr. Ray, essentially, rented the
 17 sweat lodge from Angel Valley for about two, three
 18 hours on October 8th, 2009; correct?
 19 **A. That is not the vocabulary that we would**
 20 **use. But we provided the sweat lodge. And Mr. Ray**
 21 **compensated us for making that available for his**
 22 **retreat. Yes.**
 23 **Q.** Okay. So you provided the facility, the
 24 sweat lodge --
 25 **A. As he requested. Yes.**

1 **Q.** -- to James Ray International; correct?
 2 **A. We did.**
 3 **Q.** And that was part of the contract that
 4 you entered into -- that Angel Valley entered into
 5 on January 30th, 2008?
 6 **A. Yes.**
 7 **Q.** Now, we've -- we've talked about the
 8 sweat lodge structure itself.
 9 **A. Yes.**
 10 **Q.** Now, you did not -- and we talked about
 11 how you personally were not involved in deciding
 12 how wide the sweat lodge is, how many sticks to
 13 use, and all that stuff; right? And you weren't
 14 involved; correct?
 15 **A. I was not involved in building it. No.**
 16 **Q.** And so you weren't involved in deciding
 17 what the diameter of the sweat lodge was?
 18 **A. No.**
 19 **Q.** And you weren't involved in deciding what
 20 the height of the sweat lodge was?
 21 **A. No.**
 22 **Q.** The width or location of the door -- that
 23 wasn't your -- you weren't involved in that, were
 24 you?
 25 **A. No.**

1 Q. How much material is used for the
2 coverings, whether the coverings are this thick,
3 this thick, or this thick -- that was up to David
4 Singing Bear and others to decide; correct?

5 A. No. David Singing Bear was involved in
6 making -- setting up the design --

7 Q. I see. Right.

8 A. -- that would give space for 75 people as
9 was requested by James Ray.

10 Q. Okay. But that's an interesting point
11 you make. You -- you also -- Angel Valley also
12 rented out the sweat lodge up to 75 people to any
13 group; correct?

14 A. We -- since we had the sweat lodge there,
15 if there was another group who wanted to do a sweat
16 lodge ceremony, they -- we made the sweat lodge
17 available. Yes.

18 Q. And you offered it to other people, and
19 you said up to 75 people, and you would charge 900
20 to \$1,300 for it; correct?

21 A. Yes.

22 Q. And that's in that document I showed you
23 earlier --

24 A. Yes.

25 Q. -- the general terms and conditions --

1 A. Yes.

2 Q. -- Exhibit 587; correct?

3 A. In 2009. Yes.

4 Q. Okay. And so you offered that to other
5 people. If they wanted to use the sweat lodge up
6 to 75 people, they -- they could. But they had to
7 pay Angel Valley 900 to \$1,300; correct?

8 A. Yes.

9 Q. And sign a waiver?

10 A. Oh. Yes. Every person who comes to
11 Angel Valley signs a waiver.

12 Q. Okay. Now, we -- you said David Singing
13 Bear didn't decide how thick the -- the coverings
14 were. That was the Mercers; right?

15 A. I would say that was most of all a
16 cooperative decision and everybody who was involved
17 in the sweat lodge. I am sure that Gary Palisch
18 has also --

19 Q. Okay.

20 A. -- been looking at the thickness of the
21 covers. We have also decided on the thickness of
22 the covers.

23 Q. So you were involved in -- you personally
24 were involved in deciding on the thickness of the
25 covers?

1 A. I was not involved in covering. I was --
2 I saw that the covering was thick enough from the
3 perspective that I could see it.

4 Q. Okay. So you approved how thick the --
5 the coverings were?

6 A. I did.

7 Q. Okay. Now, with respect to the location
8 of the pit, you didn't have anything to do with
9 that decision, did you?

10 A. As far as I know and as far as I always
11 have observed, the pit was centered in the -- in
12 the sweat lodge.

13 Q. Okay. You -- you wouldn't have any
14 dispute, though, if Detective Diskin testifies to
15 this jury that it was actually off-center? Would
16 you have any reason to dispute that?

17 A. I -- all the tens and hundreds of time
18 that I have driven by, I've never noticed that it
19 would be not in the center.

20 Q. Okay. So you would dispute if -- if
21 Detective Diskin testifies that they measured it
22 and it was off center? Would you dispute that?

23 A. I would not dispute that. But with
24 your -- but with -- from the eye it did not seem
25 off center.

1 Q. So for the --

2 A. If they measured it maybe. I don't know.

3 Q. Okay. So for -- for the casual person
4 who isn't breaking out a tape measure or a laser
5 measure or something like that, when you look at
6 the sweat lodge and if it's dark inside, you
7 couldn't tell whether it's centered or
8 off-centered, could you? Is that, basically, what
9 you're telling us?

10 A. No. What I am saying is I have -- I have
11 never been in there when it was dark. But when I
12 was outside and we would be standing by it or
13 driving by it, it had never occurred to me that the
14 pit would be -- not be centered.

15 Q. Uh-huh.

16 A. So if it was off-centered, if it was
17 measured and it is a few inches more or less, that
18 could be. But I -- it's never -- I have never
19 noticed it.

20 Q. Okay. And that's all I'm asking is what
21 you've personally observed --

22 A. That --

23 Q. -- as I said at the start of this whole
24 conversation with you.

25 And I guess what I'm asking you is you

1 personally observed it a number of times --
 2 **A. Uh-huh.**
 3 **Q. -- correct?**
 4 **A. Yes.**
 5 **Q. And in every one of those times when**
 6 **you've actually looked at the -- where the pit is**
 7 **in relation to the rest of the structure, you**
 8 **couldn't tell whether it was off-centered or not?**
 9 **In fact, you thought it was centered; right?**
 10 **A. It has never occurred to me that it was**
 11 **not centered.**
 12 **Q. Okay. So it appeared to you to be**
 13 **centered?**
 14 **A. Yeah.**
 15 **Q. Now, you don't know, do you, whether the**
 16 **pit being centered or off-centered has any impact**
 17 **on whether the sweat lodge is safe or unsafe, do**
 18 **you?**
 19 **A. No.**
 20 **Q. Now, you -- did you have anything to do**
 21 **with the placement of the rocks around the outside**
 22 **of the sweat lodge to sort of seal the sweat lodge**
 23 **closed? Did you have anything to do with that?**
 24 **A. No, I did not.**
 25 **Q. Okay. Did you have anything to do with**

1 the placement of the nylon antiweed fabric
 2 underneath the sweat lodge?
 3 **A. Yeah. The -- the fabric that we use**
 4 **under the sand to weed -- or the weed barrier?**
 5 **Q. Yes. Underneath the sand you put a nylon**
 6 **weed barrier; correct?**
 7 **A. Is it nylon?**
 8 **Q. I think that's what Mr. Hamilton said.**
 9 **A. Oh.**
 10 **MR. HUGHES: Objection. Misstates his**
 11 **testimony.**
 12 **THE COURT: Sustained.**
 13 **MR. LI: Okay. I'll rephrase that.**
 14 **Q. What do you think it was made out of?**
 15 **A. I know it's a breathable material. It is**
 16 **like a felt and -- but what exactly the components**
 17 **are, for me the -- the aspect that it's breathable,**
 18 **that -- that it lets through water, that it lets**
 19 **through air. For me that is enough of -- yeah.**
 20 **Q. I'm just asking what you think it might**
 21 **be made of.**
 22 **A. I don't know.**
 23 **Q. What about the rubberized tarp on top?**
 24 **The tarp was rubberized; correct?**
 25 **A. Well, I called it "vinyl." And I ordered**

1 **it as a vinyl.**
 2 **Q. You ordered it personally?**
 3 **A. I did.**
 4 **Q. Okay. And would -- do you think the**
 5 **vinyl coated fabric -- is that breathable or not**
 6 **breathable?**
 7 **A. It's not.**
 8 **Q. All right. Now, you have no idea**
 9 **personally, do you, whether or not having a**
 10 **nonbreathable fabric on top of the sweat lodge and**
 11 **having some sort of fabric, however you want to**
 12 **describe it, underneath the sweat lodge and then**
 13 **rocks sealing all the way around -- you don't know**
 14 **personally whether that's safe or not, do you?**
 15 **Let me rephrase that. That's -- that's**
 16 **perhaps not fair. You just don't have an**
 17 **engineering degree or anything like that, do you?**
 18 **A. I don't know whether I need it for that.**
 19 **Q. Okay. But -- you know -- you -- you**
 20 **never subjected your sweat lodge at Angel Valley to**
 21 **an inspection by the county, did you?**
 22 **A. No.**
 23 **Q. The county -- no inspector from the**
 24 **county ever came to look at the sweat lodge and**
 25 **make a determination about the safety of it, did --**

1 did they?
 2 **A. No.**
 3 **Q. And you did not have a permit for it, did**
 4 **you?**
 5 **A. No, we did not.**
 6 **Q. You had permits for other structures in**
 7 **the Angel Valley -- on the Angel Valley land;**
 8 **correct?**
 9 **A. We had permits for every -- each and**
 10 **every building.**
 11 **Q. And when you get a permit, the inspector**
 12 **comes to your land; correct?**
 13 **A. Yes.**
 14 **Q. And they look at the wiring; correct?**
 15 **A. Yes. If they can.**
 16 **Q. And they look at the structures?**
 17 **A. They do.**
 18 **Q. And they check about the structural**
 19 **integrity of everything; correct?**
 20 **A. They do.**
 21 **Q. And then they issue a permit if it's**
 22 **safe; correct?**
 23 **A. They do.**
 24 **Q. And if it's not safe, they tell you, hey.**
 25 **You need to fix this, this, and this? You can't**

1 have that -- you know -- exposed wire there --
 2 **A. Uh-huh.**
 3 **Q.** -- things like that; correct?
 4 **A. Yes.**
 5 **Q.** And you've personally been there when
 6 inspectors have -- have told you to fix things;
 7 correct?
 8 **A. Oh, yeah.**
 9 **Q.** And you fixed them; right?
 10 **A. Right. But usually we had it already**
 11 **done. But yeah.**
 12 **Q.** But if there is something that needs to
 13 be capped or something --
 14 **A. Oh, yeah.**
 15 **Q.** -- you take care of it; right?
 16 **A. Yes.**
 17 **Q.** And the -- you know an inspector by the
 18 name of Jack Judd?
 19 **A. Yes.**
 20 **Q.** And he's -- he's the head inspector of
 21 Sedona; correct? He's the head of building and
 22 safety or something like that?
 23 **A. No. He's located in Prescott. We're in**
 24 **Yavapai County. So for us it goes through Yavapai**
 25 **County.**

1 **Q.** And what's his title? Do you know
 2 offhand?
 3 **A. No, I don't know.**
 4 **Q.** Okay.
 5 **A. I don't know.**
 6 **Q.** Well, he -- he never came out to your
 7 place and inspected the sweat lodge, did he?
 8 **A. He was not a building inspector.**
 9 **Q.** Okay. And just so we're clear, Mr. Ray
 10 and James Ray International, all of those things
 11 that we talked about about the design of the sweat
 12 lodge, the location of the hole, the -- the height,
 13 the diameter, the location of the door, what
 14 materials are used on the top, what materials are
 15 used underneath, James Ray International had
 16 nothing to do with that; correct?
 17 **A. Other than checking whether it was**
 18 **according to what they wanted to have.**
 19 **Q.** I guess I'm just going to ask plain and
 20 simple. In 2008 when this sweat lodge was built
 21 and designed, James Ray International did not hire
 22 David Singing Bear; correct?
 23 **A. No. We did.**
 24 **Q.** He did not -- and by "we," you mean Angel
 25 Valley and your husband and yourself; correct?

1 **A. David Singing Bear was hired directly by**
 2 **Gary Palisch --**
 3 **Q.** Right.
 4 **A. -- but with us being in it.**
 5 **Q.** And this is just -- I'm not -- this is a
 6 very simple point. I mean, Mr. Ray and James Ray
 7 International did not have anything to do with
 8 selecting what materials to use, didn't have
 9 anything to do with the location of the pit;
 10 correct?
 11 **A. He did not.**
 12 **Q.** Did not have anything to do with the --
 13 whether or not there was a weed barrier underneath
 14 the sweat lodge? You can't see the weed barrier.
 15 It's buried by the sand; right?
 16 **A. No.**
 17 **Q.** Now, also Mr. Ray did not have anything
 18 to do -- or James Ray International did not have
 19 anything to do with -- with which wood to burn --
 20 choosing what wood to burn to heat up the rocks?
 21 **A. No, they did not.**
 22 **MR. LI:** Can I get Exhibit 493 up?
 23 **Q.** Now, we've heard a lot of testimony from
 24 you, Ms. Hamilton, and others about how this is the
 25 wood that was burned --

1 **A. Yes.**
 2 **Q.** -- right?
 3 **A. Yes.**
 4 **Q.** And that's, essentially, Exhibit 903, the
 5 big log I showed you with the nail in it; right?
 6 Those are the same logs; correct?
 7 **A. I assume that Detective Diskin and his**
 8 **crew took it from that pile.**
 9 **Q.** Okay. So far as you know, those are the
 10 logs we're talking about; right?
 11 **A. Yes.**
 12 **Q.** And you've -- you've said that, well,
 13 these -- these -- these blocks were not treated in
 14 any way; correct?
 15 **A. Absolutely not.**
 16 **Q.** Now, there is another pile of wood right
 17 here. And it's pretty near the -- pretty near the
 18 fire pit?
 19 **A. Uh-huh.**
 20 **Q.** Would you agree with me?
 21 **A. Yes.**
 22 **Q.** And these are smaller pieces of wood;
 23 right?
 24 **A. Yes.**
 25 **Q.** And do -- do you ever build fires?

1 **A. Do I ever build fires?**
 2 **Q.** Uh-huh.
 3 **A. Yes.**
 4 **Q.** And you -- when you build a fire, say, in
 5 your fireplace or outside, you usually start off
 6 with smaller logs first, don't you?
 7 **A. Yes.**
 8 **Q.** And -- you know -- you don't start off
 9 with this, do you?
 10 **A. No.**
 11 **Q.** You have kindling; right?
 12 **A. Yes.**
 13 **Q.** And you have no idea personally, do you,
 14 whether that piece of green wood there, which looks
 15 like a two-by-four and has a bit of a greenish hue
 16 to it -- you don't know, for instance, whether that
 17 piece of wood has been treated, do you?
 18 **A. Treated wood at Angel Valley has never**
 19 **ended up --**
 20 **Q.** I'm sorry.
 21 **A. Treated wood at Angel Valley has never**
 22 **ended up on -- on fire piles. It was -- any**
 23 **treated wood we would measure what we need. If we**
 24 **have a little left over -- a little left over, that**
 25 **will go in the dumpster.**

1 **Q.** Okay. But as you sit here right now and
 2 look at this piece of wood that has this greenish
 3 hue to it, you can't tell us whether or not you
 4 know for a fact that that is not treated wood;
 5 correct?
 6 **A. You know, I -- is that green? I mean,**
 7 **the -- when wood is outside and it gets wet, then**
 8 **sometimes wood colors. I'm -- I'm not sure whether**
 9 **that would be the -- the color of treated wood.**
 10 **I would think treated wood, the way I**
 11 **have seen it, is always more green, more colored.**
 12 **So that's the one thing. And the other thing is**
 13 **yeah. We were always very cautious with it because**
 14 **we do not like working with treated wood unless we**
 15 **have to.**
 16 **Q.** Because it's dangerous; correct?
 17 **A. Treated wood is not -- that's toxic.**
 18 **Yeah.**
 19 **Q.** It's toxic; right?
 20 **A. Yeah.**
 21 **Q.** And, in fact, if -- if burned, it can be
 22 lethal; correct?
 23 **A. It can be.**
 24 **Q.** And I don't know, as I sit here, whether
 25 that's treated wood or not. But you can't tell us,

1 can you, whether or not for sure that's a hunk of
 2 treated wood?
 3 **A. I would bet my life on it that it isn't.**
 4 **Q.** Let me ask you this: Were you concerned
 5 at any time that Angel Valley might have burned
 6 treated wood?
 7 **A. No.**
 8 **Q.** You were never concerned when Ted Mercer
 9 said that he used the construction wood? You were
 10 never concerned --
 11 **MR. HUGHES:** Objection. That misstates what
 12 Mr. Mercer said.
 13 **THE COURT:** Sustained.
 14 **Q. BY MR. LI:** Let me put it this way:
 15 Mr. Mercer discussed the wood, that was used in the
 16 fire to heat the rocks, with Detective Diskin;
 17 correct?
 18 **A. I guess he did.**
 19 **Q.** Well, actually you read the transcript,
 20 didn't you?
 21 **A. I read a transcript one time. Yes.**
 22 **Q.** Right. Let's -- let's just be sure on
 23 that. Okay. You -- you actually did read the
 24 transcript a long time ago --
 25 **A. I did.**

1 **Q.** -- correct?
 2 **A. I did.**
 3 **Q.** And -- in which Mr. Mercer said --
 4 discussed with Detective Diskin what wood he
 5 burned; correct?
 6 **A. Yeah.**
 7 **Q.** Okay. And you read it; right?
 8 **A. I read that.**
 9 **Q.** And when you read that what he said,
 10 whatever it was, he said something about the wood
 11 and that it might have had an impact on what
 12 happened in 2009.
 13 Do you remember that?
 14 **A. I -- yes. I do. Can I add something to**
 15 **that?**
 16 **Q.** In a second. And I promise you will get
 17 your -- you will get your chance.
 18 When you -- when you read that --
 19 **A. Uh-huh.**
 20 **Q.** -- you understood that Detective Diskin
 21 was investigating why three people had died;
 22 correct?
 23 **A. Uh-huh.**
 24 **Q.** And you understood that Ted Mercer was
 25 describing what kind of wood was used for the fire;

1 correct?

2 **A. Yes.**

3 **Q.** And he expressed some -- he'd raised the

4 issue of the fact that wood that was normally used

5 for construction was burned to heat the rocks?

6 **MR. HUGHES:** Objection. Misstates what

7 Mr. Mercer said.

8 **THE COURT:** Overruled.

9 You can answer that if you can,

10 Ms. Hamilton.

11 **THE WITNESS:** So now I lost the question.

12 **Q.** BY MR. LI: He discussed with

13 Detective Diskin the fact that wood that was

14 normally used for construction was burned this time

15 to heat the rocks; correct?

16 **A. I have not recently read that transcript.**

17 **But I do not remember to read it the way you put**

18 **it.**

19 **Q.** What do -- what do you remember him

20 saying?

21 **A. What I remember him saying is wondering.**

22 **And as I felt it in his almost, like, desperation**

23 **to wonder how this could happen, well, maybe --**

24 **maybe there was something wrong with the wood.**

25 **Q.** Okay.

1 **A. And he is not knowledgeable on wood. So**

2 **I didn't get really upset because he just -- it was**

3 **very simple for us. There was no treated wood**

4 **there.**

5 **Q.** Okay.

6 **A. The -- the logs were not treated either.**

7 **So yeah.**

8 **Q.** Okay. You just said he's not

9 knowledgeable in wood; right?

10 **A. Not from that -- not from construction**

11 **perspective. At least that was my --**

12 **Q.** Right.

13 **A. -- my perspective of it.**

14 **Q.** Now, did Angel Valley train its employees

15 about treated wood? How would people at Angel

16 Valley know when to throw away treated wood?

17 **A. People were -- who were in**

18 **construction -- they were instructed very clearly.**

19 **Q.** So would it surprise you to -- to learn

20 that Mr. Hamilton told us that he -- it would

21 surprise him that Ted Mercer didn't know anything

22 about treated wood?

23 **A. Yeah.**

24 **Q.** Okay. Because Mr. Hamilton, your

25 husband --

1 **A. Uh-huh.**

2 **Q.** -- testified to this jury that -- that he

3 did instruct everybody about treated wood.

4 **A. Yes.**

5 **Q.** Precisely because you don't want to burn

6 treated wood?

7 **A. Yes. Precisely.**

8 **Q.** Right?

9 **A. Yes.**

10 **Q.** So -- and I'm not saying I know whether

11 that's treated wood or not. And I'm not even

12 saying I know. You know, I don't know. But when

13 you read that Ted Mercer told detectives that he

14 might have -- and I think in your words -- burned

15 the wrong wood, you're telling this jury that you

16 were not at all worried at all?

17 **A. No. Not really. Because Ted was just**

18 **upset, and he was looking for what could have been**

19 **the cause. And we said, we just know that there**

20 **was not no treated wood or -- of any -- any kind.**

21 **So it -- it didn't really raise that much of a big**

22 **flag for me.**

23 **Q.** Okay. And when you read that same

24 transcript and you saw the words about rat poison,

25 that also didn't concern you, I suppose?

1 **A. Well, honestly?**

2 **Q.** Yeah. Of course.

3 **A. Mr. Mercer in the time that he worked**

4 **with us, he was the one who was in charge of the**

5 **storage. So he maybe would know better than I did**

6 **in 2008 in the period that he was working on staff**

7 **at Angel Valley what was -- what was going on with**

8 **rats. So -- you know --**

9 **Q.** And poisons; right?

10 **A. And he -- he should have known what were**

11 **the instructions and how -- how -- what was the**

12 **normal policy. And I don't know what he has**

13 **otherwise shared. I don't know.**

14 **Q.** And that's very helpful to -- to us. I

15 mean, I guess you are on a sort of supervisory

16 level; right?

17 **A. Yes.**

18 **Q.** And you don't know everything that the

19 people who are working for you are doing at any

20 given moment; correct?

21 **A. No.**

22 **Q.** So you don't know what Ted Mercer -- what

23 exact wood Ted Mercer is burning, do you? You can

24 assume. But you don't know exactly what wood he's

25 burning?

1 **A. The wood that was -- that was prepared**
 2 **for the sweat lodge in 2009, both Michael and I**
 3 **have seen which wood was taken. We have given the**
 4 **instructions, use that wood. And there was no**
 5 **pressure-treated wood around at all.**

6 **Q.** I understand. But you don't know
 7 physically what wood is burned because you're not
 8 the person who's burning it; right?

9 **A. Yeah. You have the photos of what was**
 10 **piled up that was burned.**

11 **Q.** Just -- just like you assumed that there
 12 are no -- you never burn wood with nails in it.
 13 And yet there is a nail in this piece of wood;
 14 right?

15 **A. You have --**

16 **Q.** Listen, it's not a big deal. But, I
 17 mean, you're making an assumption about things;
 18 correct?

19 **A. Mr. Li, I'm not making an assumption**
 20 **about things. I just share to the best of my**
 21 **ability what is my truth, what I know, what I --**
 22 **what I have seen and what I've heard.**

23 **Q.** After this accident there was a lot of
 24 public scrutiny, a lot of public -- public
 25 attention?

1 **A. There was.**

2 **Q.** Accusations flew out right away?

3 **A. I haven't always seen them as**
 4 **accusations. I have oftentimes seen them as people**
 5 **looking for what could be the cause.**

6 **Q.** Okay. Some folks said that the lodge was
 7 makeshift?

8 **A. Yes. People choose words.**

9 **Q.** And the media -- some people in the media
 10 said the structure was faulty?

11 **A. There was all kinds of -- of assumptions.**

12 **Q.** And -- and the media certainly pointed
 13 out that it -- it did not -- the lodge did not have
 14 a permit; correct?

15 **A. Oh, yeah. They did.**

16 **Q.** And there was not even an application?

17 **A. No. Because there is no such thing as a**
 18 **permit --**

19 **Q.** So far as you --

20 **A. -- for sweat lodges --**

21 **Q.** So far as you know?

22 **A. As far as we know. And I have still to**
 23 **today not found that there is such a thing.**

24 **Q.** Now, there were also some questions about
 25 the zoning use about Angel Valley -- commercial,

1 religious?

2 **A. Yeah.**

3 **Q.** And whether the uses were proper for --
 4 for the permit that had been granted for the land?

5 **A. If it was zoning, is that the same as**
 6 **permit? I thought that permit was -- had a**
 7 **different meaning.**

8 **Q.** Okay. You have -- and I won't spend too
 9 much time. But you have what's called a
 10 "conditional use permit" for your land; correct?

11 **A. We do.**

12 **Q.** And there was some question about whether
 13 you were complying with the use of your conditional
 14 use permit?

15 MR. HUGHES: Objection.

16 THE WITNESS: No.

17 MR. HUGHES: Objection. Foundation and
 18 relevancy, 403.

19 THE COURT: Sustained.

20 **Q.** BY MR. LI: You were aware, were you not,
 21 of statements by the Yavapai County officials that
 22 you -- that Angel Valley did not have a permit;
 23 correct?

24 **A. I do not know what permits you are**
 25 **talking about.**

1 **Q.** I'm sorry. The permit for the sweat
 2 lodge.

3 **A. A permit for the sweat lodge?**

4 **Q.** Right.

5 **A. Oh. Yeah.**

6 **Q.** You were aware that -- that folks in the
 7 Yavapai County Building and Safety Department were
 8 saying to the media that you did not have a permit;
 9 correct?

10 **A. Yeah. They were right.**

11 **Q.** And you took down the sweat lodge before
 12 there was any chance for anybody from the building
 13 and safety department to inspect it; correct?

14 **A. The moment we decided to take that down,**
 15 **we had no reason to expect that there would be a**
 16 **request from that --**

17 **Q.** I understand. And -- and my question to
 18 you is a little more simple. It's just you took it
 19 down before the building and safety folks had a
 20 chance to inspect it; correct? We can talk about
 21 why in a bit. But is that correct?

22 **A. Had they come up on the 9th, then it**
 23 **would be easy.**

24 **Q.** Okay.

25 **A. Had they shared with us, hold off with**

1 **taking it down, we would have waited.**
 2 **Q.** I understand. But -- and I will ask you
 3 one more time. You took it down before building
 4 and safety had a chance to inspect it; correct?
 5 **A.** **You're correct.**
 6 **Q.** Thank you. Now, after the accident did
 7 you work with the City of Sedona on talking points
 8 to address the media, including talking points
 9 about the accusations of faulty sweat lodge
 10 construction? Do you know what talking points are?
 11 **A.** **So can you rephrase your question?**
 12 **Q.** Sure. Do you know what talking points
 13 are?
 14 **A.** **Well -- well, can you rephrase your**
 15 **question?**
 16 **Q.** I'm going to ask you this question. Do
 17 you know what talking points are?
 18 **A.** **Out of context I don't know what you're**
 19 **referring to.**
 20 **Q.** Okay. Would you agree with me that
 21 talking points are five or six things that you're
 22 going to say to the media about a particular topic?
 23 **A.** **Okay.**
 24 **Q.** Do you agree with that?
 25 **A.** **Okay.**

1 **Q.** Okay?
 2 **A.** **Yes.**
 3 **Q.** And with that definition, the talking
 4 points are -- you know -- five or six things that
 5 you're going to talk about a particular subject,
 6 did you work on talking points with the City of
 7 Sedona to address the media about this accident?
 8 **A.** **The City of Sedona. I'm not -- I'm not**
 9 **sure what --**
 10 **Q.** Did you work with a woman named Alison
 11 Zelms, who's assistant city manager of the City of
 12 Sedona? Did you work with Alison Zelms on talking
 13 points on how to address the media about this
 14 tragedy?
 15 **A.** **I did not.**
 16 **Q.** Do you know Alison Zelms?
 17 **A.** **I once attended a PR training on how to**
 18 **address the media in terms of in times of a**
 19 **disaster. And Alison Zelms is -- was one of the**
 20 **people participating. And I was -- and I was**
 21 **participating.**
 22 MR. LI: If I may approach?
 23 THE COURT: Yes.
 24 **Q.** BY MR. LI: Do you recognize this woman
 25 as Alison Zelms?

1 **A.** **I do.**
 2 **Q.** And that -- she's the assistant city
 3 manager of the City of Sedona; correct?
 4 **A.** **She is.**
 5 **Q.** And you attended a media training seminar
 6 with her after this accident; correct?
 7 **A.** **I attended this seminar in August**
 8 **of 2010.**
 9 **Q.** Okay. You attended a media training
 10 seminar with Alison Zelms, the assistant city
 11 manager of Sedona, to address this accident;
 12 correct?
 13 **A.** **No. That was a seminar that was -- that**
 14 **was aimed at training people who are in a position**
 15 **that in case of an emergency or in case of a**
 16 **disaster or something unexpected, something that**
 17 **draws a little -- a lot of media attention, how do**
 18 **you respond.**
 19 **Q.** And this was an all-day media training on
 20 this topic?
 21 **A.** **One-day media training.**
 22 **Q.** One. The full day; correct?
 23 **A.** **One full day.**
 24 **Q.** Was it in the City of Sedona?
 25 **A.** **It was -- yeah. In the town hall.**

1 **Q.** Okay. And it -- it was paid for by the
 2 City of Sedona, I take it?
 3 **A.** **No.**
 4 **Q.** Well, I guess --
 5 **A.** **I paid for my participation.**
 6 **Q.** Okay. So you paid to participate in the
 7 crisis-training seminar put on by the City of
 8 Sedona; correct?
 9 **A.** **The initiative came from the cooperation**
 10 **between the Chamber of Commerce and City of Sedona.**
 11 **And since the lady that was presenting this seminar**
 12 **had been our PR coach in an earlier stage, they**
 13 **invited me to be part of it. And I paid for my own**
 14 **participation.**
 15 **Q.** Okay. And this was -- so there were PR
 16 coaches here; correct?
 17 **A.** **Yes.**
 18 **Q.** And they -- what they do -- PR coaches --
 19 is they tell you, hey. When you talk to the media,
 20 here's how you do -- how you do it; right?
 21 **A.** **Yeah.**
 22 **Q.** And Ms. Zelms, who is the assistant city
 23 manager -- city manager of the City of Sedona --
 24 she chatted with you; correct?
 25 **A.** **No.**

1 Q. Do you know her?
 2 A. **I know her from images in the newspaper,**
 3 **and I recognize her face as she was sitting in that**
 4 **circle. Yes.**
 5 Q. Do you think she knows you?
 6 A. **Probably. We have become a little bit**
 7 **known in the city.**
 8 Q. Okay. Did you discuss with Ms. Zelms the
 9 possible faulty construction of the sweat lodge?
 10 A. **No.**
 11 Q. Did you discuss with Ms. Zelms the fact
 12 that the lodge was not permitted?
 13 A. **No.**
 14 Q. Did you discuss with her -- well, how
 15 many times have you met Ms. Zelms?
 16 A. **I have seen her sitting on the other side**
 17 **of the room in this one-day seminar. That's all.**
 18 Q. And is it your testimony that you did not
 19 work on talking points with Alison Zelms, the
 20 assistant city manager of the City of Sedona?
 21 A. **I did not discuss talking points on the**
 22 **sweat lodge with Ms. Zelms.**
 23 Q. Did you discuss any talking points with
 24 her at all?
 25 A. **No.**

1 Q. Now -- none? Nothing?
 2 A. **No.**
 3 Q. Okay. Let's -- let's go back in time to
 4 October 8th, 2009. The accident happens.
 5 A. **Uh-huh.**
 6 Q. And there is a media circus; right?
 7 A. **Uh-huh.**
 8 Q. And Angel Valley is immediately inundated
 9 by the media; correct?
 10 A. **Immediately? What is your understanding**
 11 **of immediately?**
 12 Q. Whatever definition you want to use. Did
 13 the -- I mean, did folks try and call you? Did the
 14 media call you?
 15 A. **Yes. But we didn't -- we didn't say that**
 16 **we had anything to share.**
 17 Q. I understand. I'm just asking you, did
 18 the media contact you -- attempt to contact you?
 19 A. **They started to contact us soon. Yes.**
 20 Q. And they called you a bunch of times on
 21 the phone?
 22 A. **Uh-huh.**
 23 Q. And there were helicopters flying over?
 24 A. **The next day. Yes.**
 25 Q. The next day.

1 And somebody even snuck onto your land
 2 disguised as a first responder and took some
 3 pictures; right?
 4 A. **That very evening. Yes.**
 5 Q. Okay. And then on October 13th, 2009,
 6 you and your husband issued a press release about
 7 the sweat lodge deaths; correct?
 8 A. **Yes, we did.**
 9 Q. Who drafted that press release?
 10 A. **I think I did.**
 11 Q. You drafted it?
 12 A. **Uh-huh.**
 13 Q. Did you talk with your lawyers?
 14 A. **No.**
 15 Q. Okay. On -- and by the way, speaking of
 16 your lawyers, your lawyer, Michael Callas, is here
 17 in the back of the room here?
 18 A. **He is.**
 19 Q. And you also had another lawyer who was
 20 here earlier -- a woman by the name of Tosca Henry?
 21 A. **And she's from the same office.**
 22 Q. Same law firm.
 23 And then before that there was another
 24 lawyer named Mark Zukowski or something like that?
 25 A. **Uh-huh.**

1 Q. And they all represented you and Angel
 2 Valley; correct?
 3 A. **They -- they did.**
 4 Q. And I understand they were hired by the
 5 insurance company.
 6 A. **They were.**
 7 Q. But they represent you; correct?
 8 A. **For what?**
 9 Q. For the law -- the many lawsuits that
 10 you are part of; correct?
 11 A. **The lawsuits. Yes.**
 12 Q. And Mr. Callas here is representing you
 13 today; right?
 14 A. **In my understanding, Mr. Callas is just**
 15 **observer.**
 16 Q. Okay. But he's your lawyer; right?
 17 A. **Oh, yeah.**
 18 Q. Now, on January 20th -- 28th, 2010 -- so
 19 first we gave a -- you gave a press release. Then
 20 on January 28th, 2010, you gave an interview to the
 21 AP, correct, the Associated Press?
 22 A. **Yes.**
 23 Q. And you allowed a photographer onto Angel
 24 Valley?
 25 A. **I did.**

1 Q. And they took pictures of you; correct?
 2 A. **They did.**
 3 Q. And they took pictures of the land;
 4 correct?
 5 A. **They -- they did.**
 6 Q. And then there was -- these pictures went
 7 into the story that was written?
 8 A. **They did. Yeah.**
 9 Q. And the story was picked up by a lot of
 10 media outlets?
 11 A. **They did.**
 12 Q. Newspapers; correct?
 13 A. **Yes.**
 14 Q. Television?
 15 A. **I don't know.**
 16 Q. Fox News?
 17 A. **I don't know.**
 18 Q. If I showed you the Internet printout,
 19 you wouldn't have any reason --
 20 A. **Could -- could be. Yeah.**
 21 Q. Now, did -- did your media training tell
 22 you that if you talked to the Associated Press
 23 first, that's a good way to get your message out?
 24 A. **That she did not say.**
 25 Q. Alison Zelms did not say that to you?

1 A. **Alison Zelms?**
 2 Q. I'm sorry. Who is the -- who is the
 3 reporter? Felicia Fonseca?
 4 A. **No.**
 5 Q. Who is the reporter -- who is the "she"
 6 you're talking about?
 7 A. **You're talking about -- what are you**
 8 **asking me?**
 9 Q. I'm just asking you whether folks told
 10 you that talking to the AP, the Associated Press,
 11 is a good way to get your message out?
 12 A. **Nobody told me.**
 13 MR. HUGHES: Object to the foundation as to
 14 when she was told that.
 15 THE COURT: Overruled.
 16 You may answer that if you can,
 17 Ms. Hamilton.
 18 THE WITNESS: Nobody told me.
 19 Q. BY MR. LI: Okay. So you just knew you
 20 should talk to the Associated Press first?
 21 A. **The way we dealt with the media was that**
 22 **we were very reluctant to talk with the media. And**
 23 **I also understood that it doesn't quite work to**
 24 **say, no comment. No comment. So when we felt it**
 25 **was the time to say at least something, I went with**

1 **the person that I trusted the most.**
 2 Q. And who was that?
 3 A. **That was a reporter from Associated**
 4 **Press.**
 5 Q. And who was that?
 6 A. **Felicia Fonseca.**
 7 Q. And she's -- she's not here today, but
 8 she's been in the -- well, I guess you weren't
 9 here, so you wouldn't know. She's been in the
 10 courtroom before.
 11 All right. So then you talked to
 12 somebody from the Associated Press because you
 13 wanted to work with somebody you trusted; correct?
 14 A. **Yeah.**
 15 Q. And -- and you were very reluctant to
 16 talk to the press; correct?
 17 A. **I wanted to keep it very -- we have not**
 18 **wanted to be accusatory, not be judgmental. What**
 19 **we did want to convey is that when something**
 20 **happens, what can we learn from it.**
 21 Q. I understand. And I just want to be
 22 clear on what your testimony is, though.
 23 A. **Okay.**
 24 Q. You were very reluctant to talk to the
 25 media, so you talked to somebody you trusted,

1 Felicia Fonseca, from the AP; correct?
 2 A. **Yes.**
 3 Q. And that was on -- on or about
 4 January 28th, 2010; correct?
 5 A. **Yes, it was.**
 6 Q. Now, two days later, January 30th, 2010,
 7 you gave an interview to ABC?
 8 A. **ABC?**
 9 Q. Yes.
 10 A. **Oh. Yeah. Yeah. Yeah. Yeah. Yeah.**
 11 Q. Okay.
 12 A. **Yeah.**
 13 Q. And that was not Felicia Fonseca, was it?
 14 A. **No.**
 15 Q. It was a reporter from ABC News; correct?
 16 A. **Uh-huh.**
 17 Q. And you actually had offered yourself
 18 to -- to a number of media outlets -- outlets to
 19 talk about the incident; correct?
 20 A. **No.**
 21 Q. You offered yourself as an exclusive.
 22 You didn't do that?
 23 A. **I have not offered myself to a number --**
 24 **to a number of media. No.**
 25 Q. Okay. And -- and you never offered

1 yourself as an exclusive? That means you'd only
 2 talk to one network. You never did that?
 3 **A. I only did talk with one network.**
 4 **Q.** Okay. So you only talked to ABC; is
 5 that -- is that --
 6 **A. From -- from TV. Yeah.**
 7 **Q.** Okay. On January 30th, 2010, the only
 8 outlet you talked to was ABC; correct?
 9 **A. At that moment, yes.**
 10 **Q.** And this interview took place on Angel
 11 Valley property --
 12 **A. It did.**
 13 **Q.** -- correct?
 14 **A. It did.**
 15 **Q.** And they had cameras there; right?
 16 **A. That was very small. One reporter with**
 17 **one camera.**
 18 **Q.** Okay. And -- but there was a camera
 19 there; correct?
 20 **A. Yes.**
 21 **Q.** And you gave them an interview; right?
 22 **A. Yes.**
 23 **Q.** And then on or about April 1st, 2010, a
 24 few months later, you gave an interview to Four
 25 Corners Magazine?

1 **A. I did.**
 2 **Q.** And you met with a woman named Holly
 3 Lucky or Luki?
 4 **A. I did.**
 5 **Q.** How do you pronounce her last name?
 6 **A. Luki.**
 7 **Q.** Luki.
 8 And another reporter by the name of
 9 Susan?
 10 **A. Yes. She was with another girl.**
 11 **Q.** And this was an article that was,
 12 essentially, about the spiritual lessons that you
 13 could learn from the accident?
 14 **A. Yes. Yes.**
 15 **Q.** Now, a few months later on June 12th,
 16 2010, NBC Dateline did a show; correct?
 17 **A. Uh-huh.**
 18 **Q.** Now, you also gave an interview to NBC,
 19 did you not?
 20 **A. Yes.**
 21 **Q.** Okay. So when did that interview take
 22 place? So the show is released on June 12th, 2010.
 23 Did the interview take place before?
 24 **A. Yes, it did.**
 25 **Q.** And how far before?

1 **A. A few months.**
 2 **Q.** A few months before. So can we call that
 3 April? February? What? What do we think it was?
 4 **A. I think -- I think April.**
 5 **Q.** April, something like that. But they --
 6 they would know better if we just called the
 7 producer and asked them to tell us when --
 8 **A. Oh, yeah.**
 9 **Q.** -- when it was?
 10 **A. Oh, yeah.**
 11 **Q.** Okay. And -- and you were interviewed;
 12 right?
 13 **A. I was.**
 14 **Q.** And you gave them access to Angel Valley;
 15 correct?
 16 **A. I did.**
 17 **Q.** They had a film crew there?
 18 **A. Yes.**
 19 **Q.** Did they do makeup?
 20 **A. No.**
 21 **Q.** No. They just shot you straight?
 22 **A. Yeah.**
 23 **Q.** Okay. Now, on June 29th -- did you watch
 24 the show, by the way?
 25 **A. I did.**

1 **Q.** Okay. On June 29th, 2010, ABC
 2 Primetime --
 3 **A. Yes.**
 4 **Q.** -- did a big story about -- about
 5 Angel -- the tragedy; correct?
 6 **A. They did.**
 7 **Q.** And there was a reporter by the name of
 8 Dan Harris. Do you remember him?
 9 **A. I do.**
 10 **Q.** And he brought a video crew with him to
 11 Angel Valley; correct?
 12 **A. They did.**
 13 **Q.** Now, do you remember about when that took
 14 place?
 15 **A. Also on the same time.**
 16 **Q.** About -- around the same time period?
 17 **A. April.**
 18 **Q.** Okay. And you let them film from all
 19 sorts of different locations on the property;
 20 correct?
 21 **A. Yes.**
 22 **Q.** I mean, I've seen it recently. And
 23 there's some pictures from the Crystal Hall.
 24 **A. Yes.**
 25 **Q.** Have you seen it?

1 **A. I -- I saw it. Yes.**
 2 **Q.** Okay. And there's some pictures in the
 3 Crystal Hall with the various meditation seats and
 4 pillows and all of that set up?
 5 **A. Uh-huh.**
 6 **Q.** And you helped set that up so they could
 7 film it; right?
 8 **A. Yes.**
 9 **Q.** And you interviewed with Mr. Harris too?
 10 **A. That was never in the show.**
 11 **Q.** Okay. But you did interview with him,
 12 but you hit the cutting room floor?
 13 **A. Yes.**
 14 **Q.** Okay. So you -- so let's just make sure
 15 we're clear. You interviewed with Dan Harris;
 16 correct?
 17 **A. I did.**
 18 **Q.** They just chose not to put it in there;
 19 right?
 20 **A. Nor mention Angel Valley in the whole**
 21 **show.**
 22 **Q.** Well, I think they probably did mention
 23 Angel Valley because it's at Angel -- all right.
 24 Well, I stand corrected.
 25 Now -- but you helped set up the room --

1 the crystal room so that they could film it;
 2 correct?
 3 **A. I did.**
 4 **Q.** And you -- you might remember there was a
 5 scene in -- in the media piece where they're
 6 talking about the haircuts. And the -- the cameras
 7 move in, and there's two plastic chairs sitting
 8 there. Did you help set that up too?
 9 **A. No.**
 10 **Q.** Okay. Now, on October 6, 2010, you
 11 went -- you talked to ABC again?
 12 **A. Yes.**
 13 **Q.** You gave an exclusive interview to ABC
 14 News; correct?
 15 **A. I did.**
 16 **Q.** And you had the reporters at Angel Valley
 17 again.
 18 **A. I did.**
 19 **Q.** And they videoed you again; correct?
 20 **A. They did.**
 21 **Q.** Is that correct? I'm sorry.
 22 **A. That's correct.**
 23 **Q.** Thank you. And then on October 19th,
 24 2010, you gave an interview to the New York Times?
 25 **A. We did.**

1 **Q.** And you -- you spoke -- I mean, the
 2 reporters were writing some story about how the
 3 accident had impacted tourism in the City of
 4 Sedona?
 5 **A. That's what he -- yeah. Because he had**
 6 **interviewed quite a few people.**
 7 **Q.** Okay. And you were quoted in that
 8 article?
 9 **A. I was.**
 10 **Q.** And then on November 17th, 2010, you
 11 talked to CBS -- a local affiliate at CBS; correct?
 12 **A. In November? CBS? No. I'm not sure.**
 13 **Q.** Did you -- have you -- have you talked to
 14 CBS before?
 15 **A. I do not know exactly. Do you have a**
 16 **person there? I need to know.**
 17 **Q.** KPHO. Would it refresh your recollection
 18 for me to show you a -- sort of a printout of the
 19 story on KPHO --
 20 **A. Yeah. Can you show --**
 21 **Q.** One year later exclusive tour of sweat
 22 lodge site?
 23 **A. Can you show me that?**
 24 **Q.** I sure will. Look at that and see if it
 25 refreshes your recollection that you gave an

1 interview to KPHO that was released on or about
 2 November 17, 2010.
 3 **A. Oh, yeah. Yeah.**
 4 **Q.** So did you give an interview to KPHO that
 5 was aired on or about November 17, 2010?
 6 **A. Yeah. You have it there.**
 7 **Q.** Now, you know this trial started -- this
 8 jury was being selected on February 16, 2010. Do
 9 you know that?
 10 **A. Yes. In February. Right.**
 11 **Q.** Okay.
 12 **A. Yeah.**
 13 **Q.** And on February 16 -- did I say 2010? I
 14 meant 2011.
 15 On February 16, 2011, you gave an
 16 interview to National Public Radio?
 17 **A. When?**
 18 **Q.** February 16, 2011.
 19 Do you remember giving an interview to
 20 National Public Radio on or about --
 21 **A. I do. But I do not remember that that**
 22 **was on February 16 of 2011. I do not know exactly.**
 23 **Q.** Would it refresh your recollection to
 24 look at a video --
 25 **A. Sure.**

1 Q. I mean an Internet printout with your
2 picture on it?
3 A. Sure.
4 Q. And I'm going to show Counsel.
5 A. Yeah. My recollection is that it --
6 Q. Okay. Sorry. Go ahead.
7 A. -- that interview was before but that he
8 printed it -- that he published it on the online on
9 February 16.
10 Q. So I'm not -- you don't -- you don't
11 recall exactly when you gave the interview. But
12 you did give an interview to a Daniel Kraker --
13 A. I did.
14 Q. -- who was reporting for National Public
15 Radio?
16 A. I did.
17 Q. And that story was run on or about
18 February 16, 2011 --
19 A. Uh-huh.
20 Q. -- which happens to be the first day of
21 this trial?
22 A. That -- that is -- yeah. That is
23 something that is not -- has not been in my --
24 under my -- in my control.
25 Q. Have I -- one other thing. I noticed on

1 your website you are writing a book about this --
2 this tragedy; correct?
3 A. Yes.
4 Q. And are you going to sell that book?
5 A. When it's -- once it's -- once it's been
6 published?
7 Q. Yes.
8 A. Yes. That's the intent.
9 Q. Have I -- I think I counted 10, give or
10 take, media appearances. Have I missed any?
11 A. I don't think so.
12 Q. Let's talk for a second about 2009 --
13 October -- October 8th, 2009. That's the night of
14 the accident?
15 A. Yes.
16 Q. And you -- when the accident happened,
17 you did everything you could to help the people --
18 the participants; correct?
19 A. I did.
20 Q. And you -- because they were -- you --
21 you -- because you wanted to help them; right?
22 A. Yes.
23 Q. And -- if I could just have a moment.
24 So right after the accident, you called
25 9-1-1?

1 A. I did.
2 Q. And then you went back down to render
3 whatever assistance you could?
4 A. I did.
5 Q. And then you helped coordinate the
6 gathering of the participants into the dining hall
7 so that they could be looked at by EMTs and -- and
8 that sort of thing; correct?
9 A. I did.
10 Q. And you wanted to make sure that the
11 people who needed treatment could get treatment and
12 that there would -- they would all be centralized
13 in a place where the doctors could see them --
14 correct? -- or the paramedics could see them?
15 A. Yes.
16 Q. And you wanted to share information with
17 the participants about what was happening?
18 A. The reason why I collected these people
19 there, by that time I had heard from the
20 dispatch -- dispatch officer that the two people
21 who had been taken out first had died.
22 Q. Were deceased?
23 A. And there would be a moment that that
24 would have to be conveyed to the group. And I knew
25 it. And they told -- the detectives told me that I

1 was not the person to tell them. So I wanted them
2 to hear it all before some would hear it and other
3 people would hear it from other people. So I tried
4 to keep them together there.
5 Q. And -- and so you brought them all
6 together so that they could hear from the
7 detectives what had happened?
8 A. Yes.
9 Q. And you also conveyed some information to
10 them, did you know not? I've reviewed transcripts
11 with you talking on them about what happened. Did
12 you talk to people -- the participants? It's okay.
13 I just want to know. Were you trying to help them?
14 A. I was trying to help them.
15 Q. And try to give them information and
16 calm -- keep everybody --
17 A. Not by giving them information. More by
18 asking them how they were feeling, what they would
19 be needing, how we could -- how -- what could be
20 done for them. Would they be hungry? Would they
21 be thirsty? Would they be -- would they need
22 anything? There was no information that I was
23 sharing with them. None.
24 Q. Okay. You shared no information with
25 them at all?

1 **A. I did not.**

2 **Q.** Okay. And you provided them with food
3 and water and blankets and the like?

4 **A. In the dining room?**

5 **Q.** Yes.

6 **A. Yes. Eventually we also brought in some**
7 **blankets because some people were getting tired.**
8 **But what we provided them was most of all food.**
9 **The kitchen staff had to -- had to clear away the**
10 **dinner because people were not hungry. But later**
11 **in the evening, they did get hungry. So the**
12 **kitchen staff would come up with food so that**
13 **people could be having something.**

14 **Q.** Okay. And you -- and you spent the whole
15 night there taking care of people and attending to
16 their needs and making sure --

17 **A. I did.**

18 **Q.** -- making --

19 **A. I did.**

20 **Q.** You did. And making sure that they got
21 medical attention if they needed it; correct?

22 **A. Yeah. Early in the evening the medical**
23 **attention. After that was completed, just whatever**
24 **people needed as we were there and as they were**
25 **being -- as they were being asked to stay there for**

1 **the interviews that the detectives had started to**
2 **do.**

3 **Q.** And you were supporting them by being
4 there -- right? -- the various participants?

5 **A. I trusted that my presence there was**
6 **supportive. Yes.**

7 **Q.** And there was -- there was a --
8 detectives who were there. I guess not
9 Detective Diskin yet. But there were a number of
10 detectives who had set up tables to interview
11 various of the participants; correct?

12 **A. Yes.**

13 **Q.** And you saw all of it? It was right in
14 front of you; correct?

15 **A. Yes.**

16 **Q.** And they would take -- you know -- people
17 would sort of wait around, and then they would come
18 up and they would have however long -- 40-minute,
19 20-minute, hour-long, whatever it is -- interview
20 with a detective who was recording; correct?

21 **A. Yes. That's what I saw.**

22 **Q.** And then they would leave, and then
23 another person would come and -- and interview;
24 correct?

25 **A. Yes.**

1 **Q.** And as all of this was happening,
2 various -- at times, emergency medical technicians
3 would come in and give announcements; correct?

4 **A. No.**

5 **Q.** Police?

6 **A. After -- after the last people that had**
7 **to be checked on were taken to the hospital and the**
8 **paramedics decided that, okay, the rest could be**
9 **done without them, the paramedics left.**

10 **Q.** Okay.

11 **A. And then there was just the detectives**
12 **and people of the -- the investigation team were**
13 **around.**

14 **Q.** Fair enough. And -- and you saw -- and
15 you saw those paramedics come. And then -- then at
16 some point they -- they said, we're leaving; right?

17 **A. Yeah. When they were done.**

18 **Q.** Now, you heard the emergency personnel
19 say to everybody, as would be logical after an
20 accident like this, keep an eye on each other --
21 right? -- to the participants?

22 **A. Yes. Yes.**

23 **Q.** And -- and to say -- you know -- hey.
24 Look. Watch out -- watch out for symptoms --
25 nausea, vomiting, dizziness? Watch out for that;

1 correct?

2 **A. We would say that too.**

3 **Q.** Right. But then you heard the
4 emergency -- you know -- emergency technician
5 say -- you know -- keep an eye on each other? Here
6 are the symptoms you need to look out for?

7 **A. I have not remember hearing that.**

8 **Q.** You never heard an emergency personnel
9 say, all right. Everybody who was in the sweat
10 lodge tonight, and if you're not going to the
11 hospital, just want everybody to keep an eye on
12 each other tonight? Okay?

13 **A. Yes.**

14 **Q.** You heard that; right?

15 **A. Yes.**

16 **Q.** So you heard exactly that; right?

17 **A. You were asking me whether I heard to**
18 **tell them what symptoms they had to look at.**

19 **Q.** Right.

20 **A. That I didn't hear.**

21 **Q.** Okay. But you did hear, all right.

22 Everybody who was in the sweat lodge tonight, and
23 if you're not going to the hospital, just want
24 everybody to keep an eye on each other tonight?

25 Okay?

1 **A. Yes.**

2 **Q.** And that's what you did. You kept an eye
3 on each other because you wanted to make sure if
4 anybody is really sick, they get to the hospital
5 immediately; correct?

6 **A. Absolutely.**

7 **Q.** And you heard an EMT come in there and
8 say that; correct?

9 **A. That evening I didn't exactly know who**
10 **was who.**

11 **Q.** Okay. But somebody who -- you know --

12 **A. What you were just reading, that was said**
13 **at some point. But who said it I don't know.**

14 **Q.** Okay. So you must have -- if you heard
15 that, you must have heard the -- the next sentence,
16 which was, we're not exactly sure why. Could have
17 been some carbon monoxide with maybe some
18 organophosphates that were mixed in somehow. So
19 we're checking into that. Did you hear that as
20 well?

21 **A. I think I did.**

22 **Q.** Okay. And then did you hear a
23 participant say, what kind of symptoms should we be
24 looking for?

25 **A. I don't remember exactly.**

1 **Q.** Okay. And then did you hear -- would
2 it -- would it help you to --

3 Your Honor, I'd like to play and move
4 into evidence Exhibit 912.

5 MR. HUGHES: Objection on foundation and
6 hearsay.

7 THE COURT: Sustained.

8 **Q.** BY MR. LI: Did you hear the EMT or
9 somebody say -- well, sorry. Strike that.

10 Did you hear a participant say, what kind
11 of symptoms should we be looking for?

12 MR. HUGHES: Objection. Hearsay.

13 THE COURT: Overruled.

14 THE WITNESS: I -- it's -- it's very well
15 possible that was being asked. People were trying
16 to find out what to do, what happened. So it could
17 very well have been asked. I do not -- I do not
18 remember it exactly but could very well be. Yes.

19 **Q.** BY MR. LI: Okay. And did you hear the
20 person respond, nausea, vomiting, headaches,
21 everything you have, if it doesn't get better? The
22 good news is that the patients that are there that
23 were coming in with some, they're already
24 improving? So keep an eye -- just keep an eye on
25 each other; and if anybody gets worse, either go

1 into the hospital or call 9-1-1 and we'll come
2 back? So just keep an eye on each other?

3 **A. Yeah.**

4 **Q.** You heard that?

5 **A. Yeah.**

6 **Q.** Okay. So you heard somebody say -- you
7 know -- keep an eye on each other; correct?

8 **A. Yes.**

9 **Q.** And you heard somebody say, we're not
10 exactly sure why? Could have been some carbon
11 monoxide with maybe some organophosphates that
12 may -- that were mixed in somehow, so we're
13 checking into that; correct?

14 **A. If that was being said -- you say**
15 **organophosphates? What -- I mean --**

16 **Q.** Did -- did you hear that?

17 **A. No. Because I am not familiar with the**
18 **word.**

19 **Q.** Okay. If it's -- if it's the next
20 sentence on a tape after that and you heard the
21 first part --

22 **A. Uh-huh.**

23 **Q.** -- could this jury logically conclude
24 that you heard the second part too?

25 **A. They -- they could conclude. But it**

1 **doesn't mean that I heard everything that was being**
2 **said that evening when it was so chaotic and**
3 **everybody was so -- I mean, there were so many**
4 **things going on.**

5 **Q.** Okay.

6 **A. But I -- as I say, I -- it could very**
7 **well have been said that I didn't hear it.**

8 **Q.** Okay. Now, we're going to talk a little
9 more in a bit about all of the various pest control
10 devices that you used at Angel Valley. But I
11 believe you've told this jury that you did -- that
12 Angel Valley in 2010 used a type of ant killer to
13 kill some ants that were under one of the cabins.
14 Correct?

15 **A. Once -- once in one incident.**

16 **Q.** In 2010?

17 **A. Yes.**

18 **Q.** And that -- is -- that poison was called
19 "AMDRO" --

20 **A. Yes.**

21 **Q.** -- correct?

22 **A. Uh-huh.**

23 **Q.** And that you've never, ever, ever used
24 any other poison at Angel Valley for ants, to
25 control ants; correct?

1 **A. No.**
 2 **Q.** Seventy acres in Sedona in the woods, and
 3 there's only been one time in about 9, 10 years
 4 that you've owned Angel Valley that you've needed
 5 to use ant poisoning. Is that your testimony?
 6 **A. Yeah.**
 7 **Q.** And you don't know, for instance, though,
 8 do you, whether anybody else at Angel Valley used
 9 ant poison, do you?
 10 **A. Absolutely. No.**
 11 **Q.** But you don't know whether, for instance,
 12 Rotillo on his own decided to use some ant poison?
 13 **A. No. It would not be -- it would not be**
 14 **there.**
 15 **Q.** He could buy it, couldn't he?
 16 **A. He would not buy it.**
 17 **Q.** Ma'am, I went to Home Depot this weekend
 18 and purchased some Ortho Orthene Fire Ant Killer.
 19 It kills the queen and destroys the mound. It's
 20 for -- to kill ants.
 21 **A. Uh-huh.**
 22 **Q.** And have you ever seen anything like this
 23 before?
 24 **A. I have not.**
 25 **Q.** Okay. It's -- 50 percent of the

1 ingredient is acetate. Have you ever heard of a
 2 chemical called "acetate"?
 3 **A. I have not.**
 4 **Q.** Would it surprise you if acetate is, in
 5 fact, an organophosphate?
 6 **A. I don't know about -- I don't know**
 7 **about -- asofate (sic)? I don't know about**
 8 **asofate (sic). And I do not know about**
 9 **organophosphate.**
 10 **Q.** Okay. But -- but you agree with me this
 11 says 50 percent acetate; correct?
 12 **A. Yeah. I read that.**
 13 **Q.** Okay. And this is a fire ant killer?
 14 **A. In big letters. Yes.**
 15 **Q.** And it's from a company called "Ortho"?
 16 **A. I read that.**
 17 **Q.** And it's a fairly common company, a
 18 pesticide company?
 19 **A. I don't know.**
 20 **Q.** Okay. And this is --
 21 **A. I've never seen it.**
 22 **Q.** You've never seen this ever?
 23 **A. No.**
 24 **Q.** And you would never use this on your
 25 land, would you?

1 **A. From -- I have not read the whole thing.**
 2 **But what's -- what's on it, at first look, I would**
 3 **say no. That's one that I pass on.**
 4 **Q.** Because it's organophosphates?
 5 MR. HUGHES: Objection. Lacks foundation.
 6 THE COURT: Sustained.
 7 **Q.** BY MR. LI: You don't know, for instance,
 8 whether or not this organophosphate that you can
 9 purchase at Home Depot was purchased by any of the
 10 employees or volunteers or anybody at Angel Valley
 11 and used ever, do you?
 12 **A. I don't even know.**
 13 MR. HUGHES: Objection. Your Honor, may we
 14 approach?
 15 THE COURT: Yes, you may.
 16 Ladies and gentlemen, Ms. Hamilton, feel
 17 free to stand and stretch if you wish.
 18 (Sidebar conference.)
 19 THE COURT: Yes, Mr. Hughes?
 20 MR. HUGHES: Your Honor, the item that Mr. LI
 21 is waving round in front of the jury is not in
 22 evidence, lacks foundation. He just walked by in
 23 front of the jury with it, the front of it
 24 displayed to the jury as he was walking away from
 25 Ms. Hamilton. It's improper, not in evidence. And

1 I would ask that he not be waving it around showing
 2 it to the jury.
 3 MR. LI: Your Honor, I'm simply asking her
 4 whether or not she's ever used this. She claims
 5 that she's used one kind of poison. How can she
 6 possibly say that she doesn't -- that she knows
 7 that they've never, ever used -- prove the negative
 8 that they've never used any other kind of poison.
 9 This happens to be an organophosphate,
 10 Your Honor. The state has made the argument in
 11 front of this jury that the only place you can find
 12 organophosphates is in Sarin and nerve gas and
 13 those sorts of things. Ms. Polk even wrote it up
 14 on the ELMO. You can buy organophosphates in Home
 15 Depot.
 16 THE COURT: This witness has indicated no real
 17 knowledge about this.
 18 MR. LI: Then I'll move on.
 19 THE COURT: Again, we have an exhibit
 20 appearing that's -- I know you're saying you're
 21 using it for demonstrative purposes. But I have an
 22 idea that the state never had any idea this was
 23 going to be demonstrated. You bought it recently.
 24 So it really is a Rule 15 issue as well. And I'm
 25 sustaining objections to further questions.

1 MR. LI: I'll move on.
 2 (End of sidebar conference.)
 3 Q. BY MR. LI: Ma'am, you don't supervise
 4 every single minute of Rotillo Vasquez's day, do
 5 you?
 6 A. I don't.
 7 Q. And you don't supervise every single
 8 minute of every single landscaper who has ever
 9 worked at Angel Valley every single minute, do you?
 10 A. I don't.
 11 Q. And you don't supervise every single
 12 minute of every volunteer who has ever been asked
 13 to do anything at Angel Valley, do you?
 14 A. I don't.
 15 Q. And so you don't know, do you, whether or
 16 not what these people are doing on any given
 17 moment, do you, other than when you're right there
 18 with them?
 19 A. That's correct.
 20 Q. So you don't know, for instance, whether
 21 Rotillo Vasquez went into Home Depot, bought
 22 himself some Ortho Ant Killer because there was
 23 some ants -- ants on the sweat lodge site? You
 24 don't know that, do you?
 25 A. I absolutely know that that did not

1 happen.
 2 Q. You did not have -- well, I'm not going
 3 to -- I'll just ask you one question. You do not
 4 have your eyes on the site where the sweat lodge
 5 was for every single minute of the day, did you,
 6 back in October of 2008 -- 2009?
 7 A. That's correct.
 8 Q. And so you don't -- you cannot see every
 9 single minute what -- what people are doing on that
 10 land, can you?
 11 A. But that's a different question than the
 12 question whether somebody gets something at Home
 13 Depot.
 14 Q. You told us, ma'am, did you not, that you
 15 would never, ever, ever, ever burn wood with a nail
 16 in it --
 17 A. Uh-huh.
 18 Q. -- correct?
 19 A. I did.
 20 Q. And --
 21 A. And you found a nail.
 22 Q. And there is a nail in it, isn't there?
 23 A. Yeah.
 24 Q. So isn't it possible that you're making
 25 some assumptions about something that you don't

1 really know the answer to?
 2 A. Buying something at Home Depot as a
 3 pesticide or insecticide or anything, I'm
 4 absolutely sure.
 5 Q. It's very, very, very important to you,
 6 is it not, and Mr. Hamilton, that this whole
 7 tragedy is Mr. Ray's fault and not your fault;
 8 isn't that correct?
 9 A. That's not up to me to decide, Mr. Li.
 10 Q. I understand. But you have -- you have
 11 10 lawsuits from people who claim to have been hurt
 12 and who were hurt in the accident. And they've
 13 sued you, Mr. Hamilton, Angel Valley, Angel Valley
 14 Ministries; correct?
 15 A. That is correct.
 16 Q. And they want everything; correct? They
 17 want money?
 18 A. They want money.
 19 Q. Correct?
 20 A. But that's a different question from what
 21 you asked me.
 22 Q. I apologize. They want money from you;
 23 correct?
 24 A. They do.
 25 Q. And you've also sued Mr. Ray, have you

1 not?
 2 A. We have.
 3 Q. And you claim that prior to this
 4 accident, you were making \$35,000 a month at Angel
 5 Valley; correct?
 6 A. We did.
 7 Q. And then that has fallen off a lot?
 8 A. It has.
 9 Q. And so you're suing James Ray, James Ray
 10 International, for damages as a result of this
 11 accident; correct?
 12 A. We've had tremendous damage to our
 13 reputation. And that has -- that has manifested
 14 itself in the business that we have in the year
 15 following the incident.
 16 Q. And so you filed a lawsuit against James
 17 Ray and James Ray International; correct?
 18 A. We did.
 19 Q. And you're seeking money damages;
 20 correct?
 21 A. We do.
 22 Q. To compensate you for the loss of income
 23 for the \$35,000 you say that Angel Valley was
 24 making every month; correct?
 25 A. That's correct.

1 **Q.** So it matters a lot to you, does it not,
2 for your litigation, the very litigation that your
3 lawyer right here is sitting in -- in the
4 courtroom, that he represents you on -- it's very
5 important for you that this whole accident be
6 Mr. Ray's fault and not yours; isn't that correct?

7 **A. No. I don't think the outcome of the**
8 **lawsuit has anything to do with it.**

9 **Q.** But you're -- you want to make sure that
10 everything you tell this jury and everything you
11 tell the media in your 10 appearances and
12 everything you tell everybody in this case -- you
13 want to make sure that everybody understands that
14 there is no possible way that it's your -- any --
15 that you bear any responsibility for what
16 happened -- what happened in the accident; isn't
17 that correct?

18 **A. So what is your question?**

19 **Q.** It's really important for you, ma'am, is
20 it not, that in every statement you've made to the
21 media, to this jury, to everybody, that this
22 accident was Mr. Ray's fault and not your fault?

23 **A. I have never focused on that. For me**
24 **it's important that I speak my truth and that**
25 **mankind learns from things that happen.**

1 **Q.** And we'll talk for a second about the
2 pesticides. But let's move for a second to you --
3 you did not give a full statement to the police
4 until you and your husband had talked to your
5 attorney at that time; correct?

6 **A. Time -- timewise that's correct.**

7 **Q.** And your attorney at that time was a guy
8 named Mark Zukowski?

9 **A. That's correct.**

10 **Q.** And once you had consulted with your
11 attorney, Mark Zukowski, you then gave an
12 interview -- you and your husband gave an interview
13 to Detective Diskin and Mike Poling --
14 Detective Mike Poling; correct?

15 **A. That is correct.**

16 **Q.** And --

17 **A. May -- may I add something to that?**

18 **Q.** Sure.

19 **A. The attorney came on our path because we**
20 **had to report this incident to our liability**
21 **insurance, who immediately said, okay. We will set**
22 **an attorney on this case.**

23 **Then when Detective Diskin contacted us**
24 **to do an interview, the attorney said, I would like**
25 **to be with them. And we said, well, we don't see**

1 **the need. But if you feel that that is -- that**
2 **that is what you need to do, then okay. It**
3 **wouldn't have made any difference for my -- for my**
4 **interview with Mr. Diskin.**

5 **Q.** I understand that. And I'm not saying
6 that there is anything wrong. You know, I'm not
7 saying that there is anything wrong with hiring an
8 attorney when there is a lot of things that are
9 happening. But I --

10 **A. We did not hire an attorney.**

11 **Q.** Okay. But this attorney represented you;
12 correct?

13 **A. He did.**

14 **Q.** Okay. So -- and I'll -- I'll rephrase
15 the question. Your insurance company hired an
16 attorney on your behalf; correct?

17 **A. Well, actually more on their behalf.**

18 **Q.** So they -- so they represent you; right?

19 **A. Yes.**

20 **Q.** This lawyer who is sitting in the
21 courtroom represents you; correct?

22 **A. Yes.**

23 **Q.** He doesn't represent the insurance
24 company; correct?

25 **A. Well, actually yes.**

1 **Q.** I think he would tell you different.
2 Okay. He has duties to you. I won't argue with
3 you. But in any event, you had an attorney
4 present. After you talked to your attorney, then
5 you gave a statement to -- to Detective Diskin;
6 correct?

7 **A. Yes.**

8 **Q.** And the first thing out of
9 Detective Diskin's mouth to you was, you are not in
10 any kind of trouble criminally, and we're not
11 investigating you or your husband. Correct?

12 **A. Yes.**

13 **Q.** Now -- and you understood that this meant
14 that you were just not a target of this
15 investigation; correct?

16 **A. That did not make any difference in what**
17 **I was going to share.**

18 **Q.** I understand that that's what you want us
19 to understand. But I guess my only question to you
20 is that you understood that you were not a target
21 of this investigation; correct?

22 **A. Yes.**

23 **Q.** Thank you. Now, during this interview
24 you told the detective at the end -- now, this is
25 on October 26, I think, almost three weeks after

1 the accident. You told the detective that you
2 still had some things that belonged to Mr. Shore in
3 your possession --

4 **A. Yes.**

5 **Q. -- at Angel Valley; correct?**

6 **A. Yes.**

7 **Q. And you had to clean his room?**

8 Mr. Shore, one of the -- one of the people who
9 passed away?

10 **A. Yes.**

11 **Q. And in part of that cleaning of the
12 process -- or cleaning process, you found things in
13 Mr. Shore's possession; correct?**

14 **A. Yes.**

15 **Q. And you found some medications and pills?**

16 **A. I did.**

17 **Q. And you did not give those to the police
18 on October 8th or 9th or 10th or any of those days;
19 correct?**

20 **A. No. Because I have -- I didn't have them
21 yet.**

22 **Q. You waited until October 26th, 2009, to
23 give those pills and medications to
24 Detective Diskin; correct?**

25 **A. It was not a matter of waiting. It was**

1 **as the sequence went into the first days taking
2 care of all the people who were there, taking care
3 of the -- James Share's -- James Shore's
4 belongings, we were waiting for an appointment with
5 Detective Diskin. And that's how it just naturally
6 happened. There is nothing being scheduled or
7 planned about it.**

8 **Q. Okay. Then let me rephrase it. You did
9 not give those medications and pills to the police
10 until October 26th --**

11 **A. Yes. Correct.**

12 **Q. -- 2009?**

13 **A. That's correct.**

14 **Q. Thank you. You also collected some wine
15 bottles and other things?**

16 **A. Yes.**

17 **Q. And you did not give those to the
18 detective until October 26, 2010 -- 2009; correct?**

19 **A. No.**

20 **Q. And you also had told the detective you
21 had a number of photographs; correct?**

22 **A. I did.**

23 **Q. And those are some of the photographs
24 that we've seen today?**

25 **A. Correct.**

1 **Q. And you did not give those to the
2 detective until October 26, 2009; correct?**

3 **A. That's correct.**

4 **Q. Now, some of those photographs are shot
5 on a Canon PowerShot A570 --**

6 **A. Correct.**

7 **Q. -- correct?**

8 And some of those are shot on a Sony
9 DSC-T50?

10 **A. T50. Yes.**

11 **Q. And -- now, you believed all of this
12 stuff was very important evidence?**

13 **A. Yes.**

14 **Q. And -- but none of this evidence was
15 turned over right away; correct?**

16 **A. The very first opportunity we had to
17 interact with -- with Detective Diskin, that's what
18 we decided we would do.**

19 **Q. Well, you could have picked up the phone
20 and called him; correct?**

21 **A. Uh-huh.**

22 **Q. On October 10, for instance?**

23 **A. I cannot tell you when exactly we had all
24 the things lined up that we did want give to
25 Detective Diskin. And we were waiting for him to**

1 **connect with us because he had said, we will do
2 more -- more interview with you. And we were
3 waiting for him to contact -- contact us to make
4 that appointment.**

5 **Q. When you gave Detective Diskin the pills,
6 he told you that he would check in to see what
7 those pills are; correct?**

8 **A. Yes.**

9 **Q. Now, those photographs that you gave the
10 detective -- and I misspoke. I think you gave them
11 to him on November 4th, 2009. Those photographs --
12 do you know what a JPEG number is?**

13 **A. Yeah.**

14 **Q. Okay. What is a JPEG number?**

15 **A. The JPEG number is the number of the --
16 when you take photos on a camera, each -- each
17 image that you take has a number.**

18 **Q. It has a unique number; right?**

19 **A. It has a unique number that stays on it.**

20 **Q. And so I take 10 pictures of the jury.**

21 **A. Yeah.**

22 **Q. Each -- each picture will have -- you
23 know -- one number assigned to each of the
24 pictures?**

25 **A. Correct.**

1 Q. Now, are you aware that there are gaps in
2 the photographs that you gave the detective?

3 A. Yeah.

4 Q. So this is the camera. DS -- the Sony
5 DSC-T50. I think that's your camera. Right?

6 A. That's mine. Yes.

7 Q. And the first JPEG number is 294, and
8 then it goes 295. And then there is a gap from 295
9 to 300. Did you know that?

10 A. I do not know exactly those numbers,
11 but -- you know -- I can check that out on my
12 computer because I have everything there.

13 Q. Okay. So there are missing photographs
14 between 301 -- I'm sorry -- 295 and 301. Did you
15 give him every photograph you had?

16 A. I'm not completely sure. But if there is
17 an interest to have them all, he can have them.
18 You can have them.

19 Q. Now, the other camera is the camera --
20 Canon PowerShot 570. There were a number of
21 photographs that were taken --

22 A. Yes.

23 Q. -- on that one; correct?

24 A. Yes.

25 Q. And then when you provided these

1 photographs to the police, you used Adobe Photoshop
2 CS4?

3 A. 4.

4 Q. For Macintosh to put these photographs
5 together; correct?

6 A. Yeah.

7 Q. And we'll talk a little more about
8 Photoshop. But you know how to use that, don't
9 you?

10 A. I do.

11 Q. And, for instance, on those -- those
12 pictures of the -- of the rat poison in the truck,
13 did you use Photoshop to superimpose the -- the
14 date? Not the red date, but the white date?

15 A. The white date --

16 Q. Yes.

17 A. Yes, I did.

18 Q. Okay. So when you provided the
19 photographs to Detective Diskin, did he ever ask
20 you, hey, can I -- can I get your hard -- hard
21 drive? Can I just pull the hard drive to make sure
22 I have all the photographs?

23 A. He did not.

24 Q. And you know, for instance, that the hard
25 drive has all of the information, the meta- --

1 what's called the "metadata"; right?

2 A. Yes.

3 Q. And the metadata is all the information
4 that says -- you know -- when a picture might have
5 been modified, when a picture --

6 A. Yes.

7 Q. -- all of that stuff.

8 And you understand all of that because I
9 think on --

10 A. Uh-huh.

11 Q. -- on direct a lot of the reasons you
12 were able to tell what -- what you think what time
13 some event happens is that you look at the date on
14 the photograph --

15 A. Yes.

16 Q. -- and you worked your way backwards from
17 that; right?

18 A. Yes.

19 Q. Okay. So you understand that there is a
20 lot of data that's stored in every photograph
21 digitally that's on your hard drive; correct?

22 A. That's correct.

23 Q. And Detective Diskin did not ask you for
24 the hard drive, did he?

25 A. I offered to him to take the original and

1 some -- some details enlarged, put that on the CD
2 and give that to him.

3 Q. I understand. But he did not ask you for
4 the hard drive is all I'm asking.

5 A. He did not ask me for my hard drive. No.

6 Q. Okay. And he did not ask you for your
7 cameras, for instance?

8 A. No, he did not.

9 Q. And -- and I ask you that because you
10 understand that a camera, when you set it up, you
11 have -- you put in the date; right? I just bought
12 a camera.

13 A. Right.

14 Q. And when you set it up, you can put,
15 like, May --

16 A. Yes.

17 Q. -- or April 26th, 2011, put -- punch that
18 in?

19 A. Yes.

20 Q. And then you say -- you know -- 4:45 and
21 50 seconds?

22 A. Yes.

23 Q. And you can just format -- format it;
24 correct?

25 A. But you cannot do that after a picture

1 **has been taken.**

2 **Q.** I understand. But you can format the --
3 the camera; correct?

4 **A.** Oh, yeah.

5 **Q.** And so that's the information that gets
6 logged in the computer in --

7 **A.** Yes.

8 **Q.** -- in what we call the "metadata"; right?

9 **A.** Exactly.

10 **Q.** And so if -- if the camera is inaccurate
11 in any way --

12 **A.** Uh-huh.

13 **Q.** -- then the time stamps for everything
14 will be inaccurate; correct?

15 **A.** Correct.

16 **Q.** And he --

17 **A.** That's why -- that's why the pack rat
18 photos had an inaccurate time.

19 **Q.** Exactly.

20 **A.** Yes.

21 **Q.** Exactly. And -- and Detective Diskin
22 didn't ask you for your cameras on October 26, did
23 he?

24 **A.** He did not.

25 **Q.** And he also -- and we'll get back to the

1 pack rat photos in a second. He didn't ask you for
2 your cameras, your computers, whatever, for those
3 pack rat photos either, did he?

4 **A.** No, he did not.

5 **Q.** He just said, okay? Well, you gave me
6 these photos, and -- and now we're going put --
7 show them to the jury?

8 **A.** That's not what he told me.

9 **Q.** Let's move back to October 26, 2009. You
10 arranged for -- that day Mr. Hamilton gave an
11 interview; correct?

12 **A.** Yes.

13 **Q.** And that day Ms. Foster also gave an
14 interview?

15 **A.** She did.

16 **Q.** And you arranged -- you personally
17 arranged for that interview with Detective Diskin;
18 correct?

19 **A.** Yes.

20 **Q.** You told Detective Diskin you need to
21 talk to Fawn Foster because she's got a lot of
22 things she needs to tell you?

23 **A.** I did.

24 **Q.** And you knew that Fawn Foster had a lot
25 of things to talk -- tell Detective Diskin because

1 you told -- because you -- because she talked to
2 you about it; right?

3 **MR. HUGHES:** Object as to foundation as to
4 when she talked to Fawn.

5 **THE COURT:** Overruled.

6 You may answer that if you can,
7 Ms. Hamilton.

8 **Q.** BY MR. LI: And I'm just asking whether
9 you talked to Fawn Foster, not what you said. But
10 did you talk to Fawn Foster before you told
11 Detective Diskin that he should talk to her?

12 **A.** I would like to hear the question
13 different before I can say when.

14 **Q.** Okay. Fawn Foster talked to
15 Detective Diskin on October 26, 2009; correct?

16 **A.** She did. Yes.

17 **Q.** And the event happened October 8, 2009;
18 correct?

19 **A.** She did.

20 **Q.** Between October 8, 2009, and October 26,
21 2009, when Ms. Foster talked to Detective Diskin,
22 did you have any -- and this is just yes or no --
23 did you have a conversation with Fawn Foster about
24 what happened that night?

25 **A.** The reason why I asked --

1 **Q.** Ma'am --

2 **THE COURT:** Ms. Hamilton, if you can answer
3 the question yes or no, go ahead and do that. If
4 you can't --

5 **THE WITNESS:** I cannot give yes or no to this
6 question the way you ask me.

7 **Q.** BY MR. LI: Did you talk to Fawn Foster
8 about what happened in the accident before she
9 talked to Detective Diskin? That's all I'm asking.
10 Yes or no? Did you talk to Fawn Foster about what
11 happened at the accident before you talked --
12 before she talked to Detective Diskin?

13 **A.** The only thing I talked with Fawn
14 Foster was --

15 **Q.** Ma'am --

16 Your Honor.

17 **THE COURT:** Again, if you -- if you can't
18 answer the question yes or no, you have let him --

19 **THE WITNESS:** Then I --

20 **THE COURT:** -- know that.

21 **THE WITNESS:** Then I cannot answer that.

22 **THE COURT:** Ms. Hamilton, one of us needs to
23 talk -- just one of us at a time so Ms. Hunt can
24 get everything down on the record. So, again, just
25 listen to Mr. Li's question. If you can answer it

1 yes or no, then please do it that way. If you
2 can't, then let him know that.
3 THE WITNESS: Okay.
4 THE COURT: Mr. Li.
5 Q. BY MR. LI: And is your answer that you
6 can't answer yes or no?

7 A. **I cannot answer yes or no.**

8 Q. Okay. All right. In any event, you told
9 Detective Diskin that he needs to talk to Fawn
10 Foster; correct?

11 A. **I did.**

12 Q. And you arranged for the interview;
13 correct?

14 A. **When Detective Diskin was at Angel
15 Valley. Yes.**

16 Q. Okay. Now, let me -- let me just talk
17 for a few seconds about the -- the lawsuits that --
18 that you're currently pending. These are the
19 lawsuits brought by the participants.

20 Do you have that clear in your mind?

21 A. **Yes.**

22 Q. Okay. One of the plaintiffs is a woman
23 named Beverly Bunn?

24 A. **Yes.**

25 Q. Another person is Dennis Mehravar?

1 A. **He is.**

2 Q. Another person is Sidney Spencer?

3 A. **She is.**

4 Q. Another person is Stephen Ray?

5 A. **He is.**

6 Q. Brandy Rainey-Amstel?

7 A. **She is.**

8 Q. Sean Ronan?

9 A. **He is.**

10 Q. Sandra Andretti?

11 A. **She is.**

12 Q. And the estates of the various people --
13 the relatives of the three people who passed away?

14 A. **Correct.**

15 Q. And these are all the people who are --
16 who are suing you right now; correct?

17 A. **Yes.**

18 Q. Now, true or false? In June 2010 you and
19 Mr. Hamilton invited all of the participants,
20 including those people, to come do a healing
21 experience at Angel Valley; correct?

22 A. **That was not including the 10 claimants.**

23 Q. That was not including the 10 claimants?

24 A. **They were welcome, but the letter was not
25 sent to the 10 claimants.**

1 Q. Okay. And a condition of the -- of those
2 people coming to your property to undergo this
3 healing experience was that they release and waive
4 any legal claims that they have against you;
5 correct?

6 A. **It is a quote, but you -- the way you
7 quoted, it is out of context.**

8 Q. Okay. But -- I understand that's your
9 position. But did you ask them to waive their
10 legal claims against you?

11 A. **Not the way you asked me.**

12 Q. Okay. Then --

13 A. **I cannot answer it with a yes or no.**

14 Q. -- did -- I guess I'll just ask it this
15 way: Did you ask -- you -- you decided -- you
16 offered them a healing experience; correct?

17 A. **We did.**

18 Q. And one of the conditions of them coming
19 to the healing experience was to waive their claims
20 against you, Mr. Hamilton, Angel Valley, Angel
21 Valley Ministry; is that correct?

22 A. **It was a proposal to -- to have this
23 healing program. We wanted to have the insurance
24 company pay for that healing, and the insurance
25 company wanted them a --**

1 Q. A waiver?

2 A. **A waiver.**

3 Q. Now, you -- you have read -- now,
4 let's -- let's talk for a second about the -- the
5 various poisons that have been used at Angel
6 Valley. How many times in the last 17 months or so
7 have you spoken to Detective Diskin?

8 A. **How many times I have spoken to
9 Detective Diskin? Before the interview in October,
10 we had a meeting with Detective Diskin in March of
11 this year when he asked us about the insecticides
12 or whatever we used.**

13 **And in between Detective Diskin has
14 called us a couple of times to ask information
15 about the number of the groups and the dates and
16 names and could we bring him in contact with.**

17 Q. So --

18 A. **There were a couple of phone calls in
19 between.**

20 Q. What do you think? Five or 6 or 10 or 12
21 or 15? How many times do you think you've
22 communicated with Detective Diskin?

23 A. **Maybe -- I don't know. I haven't counted
24 them.**

25 Q. More than 10? Less than 10?

1 **A. I would say less than 10.**
 2 **Q.** Less than 10. And the first time was on
 3 October 26, 2009?
 4 **A. That's when we had our interview. Yes.**
 5 **Q.** And that was tape-recorded; correct?
 6 **A. That was taped. Yes.**
 7 **Q.** And then you had another interview with
 8 Ms. Do and Mr. Kelly on April 6, 2011; correct?
 9 **A. Yes.**
 10 **Q.** And that interview was tape-recorded?
 11 **A. Yes.**
 12 **Q.** Now, in all of the other conversations
 13 that you've had with Detective Diskin, those have
 14 not been recorded, have they?
 15 **A. No.**
 16 **Q.** So, for instance, on your March 21st,
 17 2011, conversation with Detective Diskin about
 18 pesticides, they didn't record that one, did they?
 19 **A. No.**
 20 **Q.** And in that interview you and
 21 Mr. Hamilton were interviewed together; correct?
 22 **A. Yes.**
 23 **Q.** Sitting right next to each other?
 24 **A. You say interview. Yeah.**
 25 **Q.** Together?

1 **A. Oh, yeah.**
 2 **Q.** And so you heard what each of you said;
 3 correct?
 4 **A. Yes.**
 5 **Q.** Because you're sitting right next to each
 6 other?
 7 **A. Yes.**
 8 **Q.** And in other interviews you'd been told
 9 that it's not good police practice to keep --
 10 interview witnesses together because they might
 11 influence each other's testimony?
 12 **A. I have not considered the meeting of**
 13 **March 21st as a testimony or a -- or a formal**
 14 **interview. It was more -- my understanding was**
 15 **that he wanted to hear from us how we do those**
 16 **things. So for me it was -- yeah.**
 17 **Q.** Well, it's not your fault. I'm just
 18 saying that you were interviewed about toxins and
 19 pesticides and all of those sorts of things about,
 20 I think, a month into this trial. And you -- you
 21 and your husband were interviewed right next to
 22 each other; correct?
 23 **A. Uh-huh. Yeah.**
 24 **Q.** And it wasn't tape-recorded?
 25 **A. No.**

1 **Q.** You understood, however, that it was
 2 really important that you tell Detective Diskin,
 3 Ms. Polk, Mr. Hughes, anybody in the state,
 4 accurate information; correct?
 5 **A. Oh, yes.**
 6 **Q.** And this is from the beginning; correct?
 7 **A. Oh, yeah.**
 8 **Q.** And that it was important not to conceal
 9 anything?
 10 **A. Yes. Absolutely.**
 11 **Q.** That -- to tell -- tell everybody
 12 everything you knew about what might have caused
 13 this terrible accident; correct?
 14 **A. No.**
 15 **Q.** Well, you knew it was important to give
 16 every piece of information that you had; correct?
 17 **A. I was not requested to give every**
 18 **possible reason for this accident. I was -- I was**
 19 **asked what did we do over the years with**
 20 **insecticides and pesticides. That's a very**
 21 **different question, Mr. Li.**
 22 **Q.** Okay. All right. So you understood that
 23 your duty to the state was to just answer the --
 24 the limited question that they were asking you;
 25 right?

1 **A. To the best of my ability, I answered the**
 2 **questions with the information that I felt was what**
 3 **I could provide for what I understood was what they**
 4 **needed.**
 5 **Q.** And I forgot if I asked you. Was your
 6 attorney present at this interview?
 7 **A. Oh, no.**
 8 **Q.** Okay. Now, you talked to the police on
 9 the 26th of 2009; right? We mentioned that.
 10 **A. We did.**
 11 **Q.** And that's recorded?
 12 **A. Uh-huh.**
 13 **Q.** And you did not mention in that interview
 14 with Detective Diskin on October 26, 2009, Angel
 15 Valley's use of insecticides then, did you?
 16 **A. No, we didn't.**
 17 **Q.** Now, this is a chart that your husband
 18 filled out about all the different kinds of pest
 19 control devices that were used at Angel Valley.
 20 **A. Uh-huh.**
 21 **Q.** None of these things -- One Bite, d-CON,
 22 Eaton green bars, mothballs, cats, One Bite, orange
 23 oil tea -- I don't even know how to pronounce this,
 24 diatomace (sic) --
 25 **A. Diatomaceous.**

1 Q. -- diatomaceous earth, AMDRO. None of
2 these things were mentioned in your October 26,
3 2009, interview; correct?

4 A. No.

5 Q. You did not mention rat poison?

6 A. No.

7 Q. You arranged for Fawn Foster to be
8 interviewed on that date; correct?

9 A. I did.

10 Q. And that interview was tape-recorded?

11 A. It was.

12 Q. And it was transcribed?

13 A. Yeah.

14 Q. And you've read it?

15 A. Yes.

16 Q. And she doesn't mention any of that, does
17 she?

18 A. Not that I remember.

19 Q. And Mr. Hamilton was interviewed on that
20 same day, October 26, 2009; correct?

21 A. He was.

22 Q. And there is a transcript?

23 A. There is a transcript.

24 Q. And you've read it?

25 A. I've read it.

1 Q. And he doesn't mention the use of --
2 Angel Valley's use of insecticides then; correct?

3 A. No.

4 Q. He doesn't mention the use of rat poison?

5 A. No.

6 Q. And you spoke to the police again on
7 October 28th, 2009, when the forest service was
8 coming over --

9 A. I --

10 Q. -- and sort of investigating whether you
11 were allowed to use the --

12 A. Uh-huh.

13 Q. -- the land for Vision Quest?

14 A. Uh-huh.

15 Q. Okay. And you were interviewed by
16 Sergeant Winslow at that time?

17 A. Well, Sergeant Winslow came over with a
18 special agent with the forest service. And he
19 wanted me to show her what had happened with the
20 Vision Quest.

21 Q. Okay? And you talked -- but you talked
22 to him a little bit too; correct?

23 A. Oh, yeah.

24 Q. And that -- that discussion was not
25 tape-recorded?

1 A. No. Because it was about this lady and
2 not about Sergeant Winslow.

3 Q. And you did not mention Angel Valley's
4 use of insecticides at that point, did you?

5 A. Oh, no.

6 Q. And you did not mention Angel Valley's
7 use of rat poison, did you?

8 A. No. There was no reason to.

9 Q. Okay. In November of 2010 you sent
10 Detective Diskin various reports?

11 A. Uh-huh.

12 Q. Do you remember those?

13 A. Yes.

14 Q. These include a document that you called
15 "History of Sweat Lodge Construction at Angel
16 Valley"?

17 A. Yes.

18 Q. Do you remember that one?

19 A. Yes.

20 Q. Now, in that report you told the police
21 something to the effect of that there -- that the
22 coverings were stored in a pump house recently
23 built with logs and a concrete floor that is dry
24 and bug free; correct?

25 A. Yes.

1 Q. You -- in that report in which you're
2 describing the pump house --

3 A. Uh-huh.

4 Q. -- you did not mention Angel Valley's use
5 of insecticides, did you?

6 A. No.

7 Q. And you did not mention Angel Valley's
8 use of rat poison, did you?

9 A. No.

10 Q. Now, you've also -- there's a bunch of
11 lawsuits; correct?

12 A. Yes.

13 Q. Against you?

14 A. Yes.

15 Q. And lawsuits that you have filed against
16 Mr. Ray; correct?

17 A. Yes.

18 Q. And you've signed affidavits, for
19 instance, in -- in the -- in the lawsuit against
20 you? An affidavit?

21 A. The -- the legalese of the lawsuits, I
22 have left that to our attorneys.

23 Q. I understand. And I'm not asking you to
24 explain all the legalese. But there was an
25 affidavit that you signed with a notary republic

1 who said -- signed -- you know -- on this
 2 particular date --
 3 **A. Yes.**
 4 **Q.** -- right?
 5 **A. That's correct.**
 6 **Q.** And in that affidavit that you signed on
 7 September 20th, 2010, you do not mention Angel
 8 Valley's use of insecticides, do you?
 9 **A. No.**
 10 **Q.** And you do not mention Angel Valley's use
 11 of rat poison, do you?
 12 **A. No.**
 13 **Q.** And that's September 20th, 2010 --
 14 **A. Yes.**
 15 **Q.** -- almost a year after the accident;
 16 correct?
 17 **A. Uh-huh.**
 18 **Q.** And -- and you filed a lawsuit -- I mean,
 19 just for the record?
 20 **A. Yes.**
 21 **Q.** Thank you. You also filed a lawsuit
 22 against Mr. Ray on September 17th, 2010; correct?
 23 **A. We did.**
 24 **Q.** And in that lawsuit against Mr. Ray and
 25 JRI, you do not mention Angel Valley's use of rat

1 poison; correct?
 2 **A. No.**
 3 **Q.** And you do not -- I'm sorry?
 4 **A. No, we don't.**
 5 **Q.** And you do not mention Angel Valley's use
 6 of insecticides; correct?
 7 **A. Correct.**
 8 **Q.** Now, in the 10 or so interviews that
 9 you've done with the media -- National Public
 10 Radio, ABC, CBS, NBC, local ABC, Associated Press,
 11 Four Corners Magazine -- you do not mention at any
 12 point in any of those Angel Valley's use of
 13 insecticides, do you?
 14 **A. No.**
 15 **Q.** And you do not mention at any point in
 16 any of those interviews, that span from
 17 October 13th, 2009, all the way to the first day of
 18 the trial --
 19 **A. Uh-huh.**
 20 **Q.** -- February 16th, 2011, you never mention
 21 insecticides; correct?
 22 **A. No.**
 23 **Q.** And you never mention rat poison;
 24 correct?
 25 **A. No.**

1 **Q.** Then trial starts October 16th, 2011?
 2 **A. Yeah.**
 3 **Q.** And -- and do you know that I gave my
 4 opening statement on March 1st, 2011?
 5 **A. I know that you gave an opening**
 6 **statement. But by then there had been a court**
 7 **order that told us not to follow the trial.**
 8 **Q.** And you didn't follow it at all?
 9 **A. No.**
 10 **Q.** Okay. And after my opening statement,
 11 about 20 days after, that's when Detective Diskin
 12 invites you and your husband to come to the
 13 Yavapai -- or the Prescott Valley Sheriff's office;
 14 correct?
 15 **A. He did.**
 16 **Q.** And that's four or five weeks in the
 17 middle of trial; correct?
 18 **A. Yes.**
 19 **Q.** And he came -- he invited you to come in
 20 to talk about the accident, what happened on
 21 October 8th, 2009; correct?
 22 **A. No.**
 23 **Q.** He didn't call to ask you about what
 24 happened on October -- about what pesticides you're
 25 using and that sort of thing?

1 **A. You now mention something different.**
 2 **Q.** Understood. So I'll -- I'll rephrase the
 3 question.
 4 **A. Yes. Please.**
 5 **Q.** Did he -- did he ask you about the use of
 6 insecticides on -- and pesticides on -- during that
 7 interview?
 8 **A. He -- in that interview, he asked us**
 9 **about our use of pesticides, insecticides, and**
 10 **stuff like that over all the years that we have**
 11 **been at Angel Valley. That was his question, and**
 12 **that was what we tried to answer, and that is what**
 13 **we have tried to provide any kind of -- you know --**
 14 **physical information. That is what was his**
 15 **question, and that is what our answer was.**
 16 **Q.** Okay.
 17 THE COURT: Excuse me, Mr. Li. It is past
 18 5:00.
 19 MR. LI: Okay.
 20 THE COURT: We need to stop.
 21 Ladies and gentlemen, we will break for
 22 the evening recess. Please remember the
 23 admonition. And assemble at the regular time
 24 tomorrow 9:15. The following day, day after
 25 tomorrow, April 28, I may adjust the schedule a

1 bit. We may start a bit earlier, take a bit
 2 shorter lunch, and then -- and then stop a bit
 3 earlier as well. But the regular schedule for
 4 tomorrow.

5 Ms. Hamilton, again, please remember that
 6 rule of exclusion. And you and the jury, counsel
 7 and parties, are excused.

8 Thank you.

9 MR. LI: Thank you.

10 (The proceedings concluded.)

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1 STATE OF ARIZONA)
 2 COUNTY OF YAVAPAI) ss: REPORTER'S CERTIFICATE

3

4 I, Mina G Hunt, do hereby certify that I
 5 am a Certified Reporter within the State of Arizona
 6 and Certified Shorthand Reporter in California

7 I further certify that these proceedings
 8 were taken in shorthand by me at the time and place
 9 herein set forth, and were thereafter reduced to
 10 typewritten form, and that the foregoing
 11 constitutes a true and correct transcript.

12 I further certify that I am not related
 13 to, employed by, nor of counsel for any of the
 14 parties or attorneys herein, nor otherwise
 15 interested in the result of the within action

16 In witness whereof, I have affixed my
 17 signature this 5th day of May, 2011

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 MINA G HUNT, AZ CR No 50619
 CA CSR No 8335

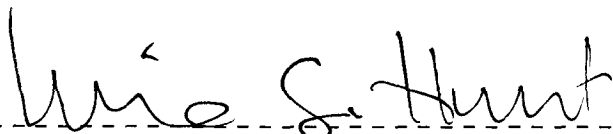
1 STATE OF ARIZONA)
2 COUNTY OF YAVAPAI) ss: REPORTER'S CERTIFICATE

3
4 I, Mina G. Hunt, do hereby certify that I
5 am a Certified Reporter within the State of Arizona
6 and Certified Shorthand Reporter in California.

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10 typewritten form, and that the foregoing
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14 parties or attorneys herein, nor otherwise
15 interested in the result of the within action.

16 In witness whereof, I have affixed my
17 signature this 5th day of May, 2011.

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23 -----
24 MINA G. HUNT, AZ CR No. 50619
25 CA CSR No. 8335